



## **Collective agreements for platforms and workers two cases from the Nordic countries**

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# PLATFORM WORK IN THE NORDIC MODELS

ISSUES, CASES AND RESPONSES

Report from

**THE FUTURE OF WORK:**

OPPORTUNITIES AND CHALLENGES  
FOR THE NORDIC MODELS



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# Preface from project managers

Major changes in technology, economic contexts, workforces and the institutions of work have ebbed and flowed since well before the first industrial revolution in the 18th century. However, many argue that the changes we are currently facing are different, and that the rise of digitalized production will entirely transform our ways and views of working. In this collaborative project, funded by the Nordic Council of Ministers, researchers from the five Nordic countries have studied how the ongoing transformations of production and labour markets associated with digitalization, demographic change and new forms of employment will influence the future of work in the Nordic countries.

Through action- and policy-oriented studies and dialogue with stakeholders, the objective has been to enhance research-based knowledge dissemination, experience exchange and mutual learning across the Nordic borders. Results from the project have informed, and will hopefully continue to inform, Nordic debates on how to contribute to the Future of Work Agenda that was adopted at the ILO's centenary anniversary in 2019.

The project has been conducted by a team of more than 30 Nordic scholars from universities and research institutes in Denmark, Finland, Iceland, Norway and Sweden. The project started in late 2017 and will be completed with a synthesizing report in 2020.

In order to address the main aspects of change in working life, the project has been organized into seven pillars with pan-Nordic research teams:

- I. Main drivers of change.  
Coordinator: Jon Erik Dølvik, Fafo, [jed@fafo.no](mailto:jed@fafo.no)
- II. Digitalization and robotization of traditional forms of work.  
Coordinator: Bertil Rolandsson, University of Gothenburg, [bertil.rolandsson@socav.gu.se](mailto:bertil.rolandsson@socav.gu.se)
- III. Self-employed, independent and atypical work.  
Coordinator: Anna Ilsøe, University of Copenhagen/FAOS, [ai@faos.dk](mailto:ai@faos.dk)
- IV. New labour market agents: platform companies.  
Coordinator: Kristin Jesnes, Fafo, [krj@fafo.no](mailto:krj@fafo.no)
- V. Occupational health – consequences and challenges.  
Coordinator: Jan Olav Christensen, National Institute of Occupational Health, Oslo, [jan.o.christensen@stami.no](mailto:jan.o.christensen@stami.no)
- VI. Renewal of labour law and regulations.  
Coordinator: Marianne J. Hotvedt, University of Oslo, [m.j.hotvedt@jus.uio.no](mailto:m.j.hotvedt@jus.uio.no);

and Kristin Alsos, Fafo, [kal@fafo.no](mailto:kal@fafo.no)

- VII. Final synthethizing report: the Nordic model of labour market governance.  
Coordinator: Jon Erik Dølvik, Fafo, [jed@fafo.no](mailto:jed@fafo.no)

For Fafo, which has coordinated the project, the work has been both challenging and rewarding. In the final phase of the project, all the Nordic economies were hit hard by the measures taken to slow the spread of Covid-19. This effectively illustrates how predicting the future of work is a difficult exercise. As our data collection had ended before the virus brought the Nordic economies almost to a halt, we have unfortunately been unable to address the effects of the vigorous countermeasures taken by Nordic governments.

We are very grateful for all the work done by the cooperating scholars, and we would also like to thank our contact persons in the Nordic Council of Ministries, namely Tryggvi Haraldsson, Jens Oldgard and Cecilie Bekker Zober, for their enthusiastic support. Many thanks also to all the members of the NCM committees that have contributed to this work through workshops and commenting on different drafts, and to the numerous interviewees in Nordic working life organizations and companies who shared their time and insights with us.

Oslo, 2020

Kristin Alsos, Jon Erik Dølvik and Kristin Jesnes

Project managers

# Preface from pillar coordinator

As part of the project, "Future of Work: Opportunities and Challenges for the Nordic Models" (NFoW), funded by the Nordic Council of Ministers, more researchers from the five Nordic countries study:

- What are the main drivers and consequences of the changing future of work in the Nordic countries?
- In what ways will digitalization, new forms of employment and platform work influence the Nordic models?
- What kind of renewal in the regulation of labour rights, health and safety, and collective bargaining is warranted to make the Nordic model fit for the future?

This report is part of Pillar IV on platform work, and explores how the platform economy is evolving in the Nordic countries, how its evolution is influenced by the Nordic labour market models and vice-versa. Here, we include all the Nordic countries (Denmark, Finland, Norway and Sweden), except Iceland, where platform work is still very marginal. The Nordic team of researchers include Bertil Rolandsson (University of Gothenburg), Anna Ilsøe (Faos, Copenhagen University), Antti Saloniemi (Tampere University), Tiina Saari (Tampere University), Sigurd M. Nordli Oppegaard (Fafo) and Kristin Jesnes (Fafo). Marianne J. Hotvedt (University of Oslo) has contributed with her legal expertise on one of the chapters and Jon Erik Dølvik has co-written the conclusion with the rest of the author team. The report is a follow-up of the report 'Nordic Labour Markets and the Sharing Economy – Report from a Pilot Project' (Dølvik & Jesnes, 2018).

While remaining a marginal phenomenon in the Nordic countries, platform work can be seen as one important case in which many key aspects of the changing world of work coalesce. This report on platform work in the Nordic countries thus connects some of the themes explored in the other pillars of the NFoW project, such as digitalization, new forms of employment and the legal and regulatory challenges currently faced by the social partners, governments and Nordic labour market models.

We would like to thank the Nordic Council of Ministers for financing the project and for helping us finalize this report. Thanks also to Jon Erik Dølvik and Kristin Alsos at Fafo for quality assurance and to Sigurd M. Nordli Oppegaard for taking over the coordination of this pillar in the final stages of the project. Finally, yet importantly, a warm thanks to all the interviewees that have given us insight into this new form of work. Any mistakes are our own.

Oslo, March 2020,

Kristin Jesnes, pillar coordinator

# Summary

This TemaNord report explores the development of platform work in the Nordic countries.<sup>1</sup> Through a mapping of central issues of concern, social partner responses and case studies, we investigate whether and how platform work is integrated into the Nordic model or if it remains an outsider, contributing to deteriorating pay and working conditions in already strained industries. The platform economy is built on a business model functioning as a mere intermediary between the worker and the customer. Usually classifying workers as self-employed, the algorithmic management of the platform applications regulates pay, terms and conditions. Although still marginal in the Nordic countries, these work arrangements constitute a potential challenge to the Nordic labour market model in affected industries. Of particular interest is thus whether the platform workers perceive their platform work as an opportunity or a necessity, and whether and how the platform companies enable collective interest representation and mobilization.

**Chapter 2** looks more closely at the main concerns emerging in the Nordic discussion about platform work. As most platform companies use solo self-employed labour and their terms and pay are determined through an app, self-employed platform workers risk falling into regulatory gaps, enjoying significantly weaker individual and collective rights and protection than employees. If low-skilled platform work expands, it may potentially cause deeper divides between labour market insiders and outsiders – sometimes referred to as dualization. This chapter also addresses the platform companies' strategic positioning as plain technological intermediaries, entailing both opportunities for innovation and distorted competition between platform companies and more established companies that follow industry regulations. Eventually, the chapter addresses the issue of taxation and references studies indicating that platform companies with headquarters overseas do not necessarily pay taxes in the Nordic host states, which may indeed become an additional challenge for the tax-funded Nordic welfare states.

**Chapter 3** first describes the trajectory of Uber – a company that has become emblematic of the platform economy – in the Nordic countries. It then explores the orientations and working conditions of Uber drivers in Helsinki and Oslo. The chapter finds that Uber's business model encountered challenges in the Nordic countries in which it attempted to establish itself (Denmark, Finland, Norway and Sweden). These challenges were not grounded in labour law or employment regulation, however, but in the specificities of national taxi market regulations, primarily numerical restrictions on taxi licences and taximeter requirements. Hence, Uber's entry sparked a process of taxi market deregulation, facilitating Uber-style taxi models in all the Nordic countries. Furthermore, we find that the Uber drivers in Helsinki and Oslo alike value the flexibility provided by Uber's work arrangements, but are frustrated by the low pay, long hours and high commission taken by Uber. To

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1. The Nordic countries studied in this report are Denmark, Finland, Norway and Sweden, and not Iceland, where platform work is rare.



a larger extent than the Norwegian Uber drivers, the Finnish drivers previously drove for traditional taxi companies, and experience Uber as an opportunity to expand their market, exhibiting an entrepreneurial orientation absent among the Uber drivers in Oslo.

**Chapter 4** studies platforms mediating high-skilled work and the case of the translation industry in Finland and Sweden. Self-employed technical translators with university degrees report that they have become increasingly dependent on online assignments from platforms managed by multinational translation firms. The chapter describes how platforms facilitating online work for self-employed, high-skilled groups such as translators engender the same kinds of problems regarding representation, voice and work autonomy as those mediating low-skilled community services. In addition, the translators express distress about eroded payments and the risk of becoming dependent on big translation firms with inadequate expectations regarding the capacity of supplementary digital technologies, their work content and deadlines. Still, the chapter also highlights that the translators express professional pride, and tend to identify themselves as entrepreneurial, high-skilled freelancers.

**Chapter 5** analyses two Nordic cases of new collective agreements in the platform economy: the Hilfr agreement in Denmark and the Foodora agreement in Norway. Hilfr is a platform selling cleaning services to private households and Foodora is a food delivery platform. The two agreements differ in the involvement of the platform workers in the process of achieving a collective agreement. While the Foodora couriers in Norway were actively engaged in the process of mobilization and negotiating the collective agreement, the Hilfr agreement in Denmark was initiated and negotiated by the platform and the trade union (3F) without much involvement from the workers. Contrary to Foodora, Hilfr is now member of an employers' organization and has pushed for the company agreement as well as future plans for a sector-level agreement. The organization of the employer therefore seems to be strongest in the Hilfr case. The Foodora agreement is well-anchored among the workers, which may have consequences for how well the agreement is implemented and renegotiated. The Hilfr agreement, on the other hand, might suffer from a weak anchoring among the workers. Both company agreements are "new" in the sense that they are not based on pre-existing collective agreements. Yet, while the Foodora agreement is more traditional and broadly binding in its design, the Hilfr agreement introduces a novel element in that workers can choose between contract conditions making them regular employees and conditions providing status as self-employed. For the trade union, the aim of this is to move as many workers as possible into employee status and under coverage by collective agreement. The extent to which this strategy is successful remains to be seen. The case studies illustrate that some platform companies might be inclined to adopt the basic ideas of the Nordic labour market models and begin negotiating collective agreements. While this might turn out to be a clever business strategy, these companies also risk losing ground to other platform companies that lean on a self-employed workforce or are reluctant to negotiate with trade unions. Furthermore, it remains to be seen whether and how the conditions for developing industry-level collective bargaining in the platform economy can be instituted brought in place – including how to muster a

critical mass of organized platform employers and workers. Until these conditions are met, the organized actors and governments alike can be commended to look at alternative forms of collective regulation of minimum pay and conditions in the platform economy.

**Chapter 6** maps the responses of Nordic trade unions and employers' organizations to the platform economy. Distinguishing between three political arenas where the social partners can seek influence – the unilateral, tripartite and bipartite arenas – the chapter shows that the Nordic actors have responded in a variety of ways and utilized several of the policy arenas available in the Nordic models. In all four countries, there are examples of tripartite responses addressing some of the challenges experienced in the platform economy, like access to unemployment benefits and health and safety issues. There have been no judicial trials of the legal status of platform freelance workers, however, and no government initiatives to clarify the collective bargaining rights of self-employed workers. Yet, a few pioneer examples of collective bargaining in labour platform companies have emerged in Denmark, Sweden and Norway, lifting wage and working conditions either via new agreements or by utilizing existing sector-level agreements. Given the voluntarist tradition of the Nordic labour market models, such bipartite initiatives are especially noteworthy. In general, however, unions still find it hard to organize and mobilize platform workers, and the analysis suggests that platform companies are actually more inclined to organize than platform workers. The legal and organizational barriers to "bottom-up" organizing and local collective bargaining indicate that government support is important to achieve encompassing regulation of work in the platform companies. The threat of political regulation might prompt pre-emptive regulation by the central collective actors, but does pose dilemmas for the social partners. Government-initiated re-regulation can help rein in unfair competition and restrict dumping by platform companies, but if the locus of regulation of platform work is moved into the unilateral, legislative arena, the scope for organization and voluntarist regulation may shrink. While unilateral union initiatives ensuring platform workers access to attractive insurance and pension schemes might weaken their immediate incentives to engage in collective bargaining, such measures may be essential for attracting members among platform workers – which is indeed a prerequisite if collective bargaining is to gain broader momentum. Still, such dilemmas are not new, and Nordic trade unions were pioneers in organizing collective insurance, sick pay and unemployment benefits for workers, which strengthened their negotiating position in the labour market and made them more prone to engage in collective action. Similarly, the legislative and bargaining paths have historically proven to be complementary, where the actors' specific choices at particular crossroads have varied between the countries and industries and across time. Combining initiatives on all three arenas – bipartite, tripartite and unilateral – might therefore prove to be the most realistic strategy for developing encompassing, collective forms of regulation in new areas, such as the digital platform economy.

**Chapter 7** concludes the report by summarizing the findings and discussing potential avenues for regulating platform work in the Nordic countries. Given the differences in Nordic regulatory traditions – especially with respect to legislative regulation and state intervention, which remain contested among the organized actors in Denmark

and Sweden – it argues that a diversity of regulatory strategies and policy tools are likely to be applied to incorporate platform work into the Nordic models. If so, the evolving Nordic platform economies will offer ample opportunities for experience exchange, policy learning and comparative studies in the years to come.

# Chapter 1. Introduction

By: Kristin Jesnes (Fafo).

## 1.1 Introduction

Strong social partners, encompassing collective bargaining systems and generous welfare states, characterize the Nordic labour market models. However, the past decade has witnessed the rise of platform companies such as Uber and Upwork, where none of these features are present. Through apps and algorithms, these companies match consumers and workers, position themselves as intermediaries, and lean on a workforce of solo self-employed<sup>2</sup> or atypical employees. While offering promising prospects for innovation, flexible jobs and new sources of income, these new business models – often referred to as the platform economy – tend to shift risk onto the workers, and challenge the traditional employment relationship upon which the Nordic model of work and welfare is based. If the platform economy expands, a larger proportion of the Nordic workforce is likely to be self-employed and have weaker rights than employees to representation, collective bargaining and social protection.

The platform economy is still marginal in the Nordic context, and its development depends on the regulative responses of governments, social partners, the platform companies themselves and the workers. For the governments and social partners, work in the platform economy is part of wider debates on the future of work – such as digitalization and new forms of atypical work – and is not necessarily seen as a distinct phenomenon, as we treat it in this report. Given the Nordic labour market models' historical capacity for adjustment to technological change, one can envisage a developmental path in which platform work is gradually incorporated into the Nordic model of employment regulation, and that the social rights and benefits of self-employed are extended. On the other hand, most platform companies have emerged within industries with low organization rates where there is less pressure to comply with regulations, such as cleaning and transport, or within industries with high shares of self-employed or freelancers, such as translation (Alsos et al., 2017). This might suggest that the platform companies are putting further stress on already strained industries in the Nordic labour markets, serving as engines for institutional erosion and deteriorating pay and working conditions.

Examining the development of work in the platform economy in the Nordic countries, this TemaNord report explores whether and how the platform economy is integrated into the Nordic model or if it remains an outsider, contributing to deteriorating working conditions and pay in already strained industries. According to Ólafsdóttir (2017),<sup>3</sup> Iceland has seen a surge in the leasing of private rooms through Airbnb under its recent tourism boom, but very little mediation of work via digital platforms, which is the focus of this report – we have therefore not included Iceland in this study. To illuminate this overarching question, we are also interested in the way in which platform work represents an opportunity or an option of last resort for

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2. Solo self-employed is a term that describes those within the self-employment sector who work entirely on their own, without employees.

3. According to recent information from Ólafsdóttir, this had not changed when this study began in early 2018.

the workers; and whether the platforms' business models leave room for collective mobilization. If so, in what ways does collective action come about? These questions will aid us in examining the evolution of work in the Nordic platform economies.

## 1.2 Data

As the platform economy is still marginal and is difficult to capture with statistics, the report mainly builds on qualitative case studies of platform companies within cleaning, food delivery, transportation and translation in the Nordic countries. These are all industries with relatively low levels of organization and collective bargaining, often considered as industries on the fringes of the Nordic model. The case studies draw on about 70 qualitative interviews with representatives from the platform companies, the platform workers, and related social partners and government officials. In addition, we have conducted desk research on policy documents, media reports and former studies to get a better understanding of policy developments in this area.

In the remainder of the introduction, we provide a definition of the platform economy and some considerations concerning this definition, an overview of the scope of platform work in the Nordic countries, and a reading guide for the rest of the report.

## 1.3 Defining the platform economy

Several terms are used to describe the bundle of new business models currently emerging, such as the "platform economy", "gig economy", "on-demand economy", "collaborative economy" and the "sharing economy". The debate around which term to use is not trivial, as underlined by Kenney and Zysman (2016: 61–62), "because the labels influence how we study, use, and regulate these digital platforms". In this report, we use the terms "platform economy", "platform companies" and "platform work". We find these terms more neutral and appropriate than, for instance, the "sharing economy", as sharing is not relevant when it comes to the mediation of labour through platform companies, which is the emphasis of this report. Our focus on *labour platforms* and *platform work* also implies that we exclude platform companies that mediate assets: so-called *capital platforms*, such as Airbnb.<sup>4</sup> The term "platform company" is also more appropriate, as it highlights the role of the companies in the mediation of tasks and workers (Kenney and Zysman, 2016). A platform company is here defined as a firm that uses digital technology – or, more precisely, an application or software and algorithms – to match workers with consumers or user companies, whereby the former conduct small tasks or jobs for the latter. While the literature on platform companies distinguishes between different types of such companies and work arrangements, the distinctive elements seem to be the role of digital technology in mediating tasks, and the platforms' predominant use of solo self-employed and other forms of atypical labour contracts.

The term "platform worker" refers to those that work via platform companies,

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4. Our delimitation also rules out social media platforms, such as Facebook.

regardless of their contractual status, although most often these are considered as self-employed by the companies. There are several characteristics of platform work, of which Stewart and Stanford (2017) outline four: (i) varying working hours and work periods; (ii) no furnishing of equipment needed to do the job; (iii) no fixed workplace provided by the company; and (iv) mediation of tasks by means of digital technology. In addition, de Groen et al. (2018: 9) highlight that three parties are involved (the online platform, the worker and the client/consumers), that work is contracted out and that jobs are broken down into tasks where services are provided on demand. As indicated by the triangular relationship emphasized by de Groen et al. (2018), platform companies can in many respects be seen as a prolongation of the rise of temporary work agencies in the 1990s. Some platform companies also identify themselves as temporary work agencies without necessarily complying with the regulations pertaining to such companies.

However, there is considerable variation between labour platform companies and the kind of work that is mediated. First, while some platform companies provide services online, often referred to as crowd work or online labour, others concentrate on mediating services in a local labour market, referred to as mobile, on-demand or gig work (De Stefano, 2016; Pongratz, 2018). Two examples illustrating this difference are the global freelancing platform Upwork, where the product is delivered online, and the food-delivery company Foodora, where the service requires direct interaction between the workers and the customers. Second, some services mediated through platform companies are competence-intensive, complex and time-consuming, while others are routine-based and require little time (Pongratz, 2018). The complexity of the tasks varies both in online services and in local community services, but is perhaps more evident in online work. Third, some platform companies take responsibility for the payment, rating systems and the like, while others leave this to the workers and customers and serve more as a marketplace or broker. Such differences are important for the question of whether platform workers are de facto self-employed or employees. Another difference is between those platform companies that deliver services within a specific industry (such as cleaning or transportation), and those mediating work across a range of different services, making it challenging to place the company within a specific industry. The platform companies that could be placed within an industry might also be easier to regulate, as suggested by Rasmussen (2019).

In addition, the platform companies are constantly changing their business model (Alsos et al., 2017), which makes them a challenging phenomenon to study. The companies might change their employment model, the services they offer and the way in which technology is used in the provision of services. Therefore, Fabo et al. (2017) refer to platform companies as "moving targets". Their continuous change might be explained by a "winner takes all" logic, where the companies seek monopoly and therefore constantly strive to develop the most successful business model in the markets in which they operate (Valenduc & Vendramin, 2016).

A central aim of this report is to contribute to the understanding of how platform companies develop in the Nordic countries and how actors in the Nordic labour market models respond to the emergence of platform work. Thus far, two characteristics can describe the development of work in the Nordic platform economies. First, most platform work is conducted through platform companies in a local labour market, e.g. Uber, Foodora and other small service jobs (Alsos et al., 2017; Jesnes and Braesemann, 2019), and the work is often low-skilled (Ilsøe &

Madsen, 2017). According to the report, "Knowledge-Intensive Platform Economy in the Nordic Countries", high-skilled platform work is still very limited (Røtnes et al., 2019), and will not be paid much attention in this report. We nevertheless include one case of qualified technical translators conducting platform work, to illustrate the similarities and differences between low-skilled and high-skilled platform work. Second, in contrast to the majority of platforms relying on self-employed workers, some of the Nordic platform companies hire their workforce on marginal part-time contracts, and engage in collective negotiations (Jesnes, 2019). This makes platform work in a Nordic context particularly interesting to study, offering opportunities to examine both the potential for disruption of and adaptation to the Nordic model.

## 1.4 The scope of platform work in the Nordic countries

Thus far, the platform economy remains marginal in the Nordic countries. Surveys from 2017 and 2018 show that between 0.3 and 2.5% of the working-age population had worked via a platform during the previous year (see table 1.1 below). At the same time, there is evidence indicating that the platform economy is growing in parts of the Nordic labour markets. New platform companies are emerging, including within more competence-intensive or high-skilled industries such as medicine and psychology (Røtnes et al., 2019). In addition, some of the platform companies are expanding rapidly. For instance, Foodora Norway has more than 500 employees, and is considered a large company by Norwegian standards.

**Table 1.1 Summary, share of platform workers of the working-age population in selected studies from the Nordic countries**

Country	%	Definition	Methods/year	Source
Denmark	1%	Share of working-age population that had earned money at least once in the past 12 months.	Question in LFS	(Ilsøe and Madsen, 2017)
Finland	0.3%	Share of working-age population that had earned more than 25% of their income from work-related and non-work-related platform activities in the preceding 12 months.	Question in LFS	(Official Statistics of Finland, 2017)
Finland	0.9%	Share of working-age population that had earned 50% or more of their income via	Survey of 2310 respondents, 2017	(Urzi Brancati et al., 2019)

			platforms and/or work via platforms more than 20 hours a week.		
Norway	0.5–1%	Share of working-age population that had performed platform work in the past year.	Survey (1525 respondents), interviews with CEOs and online search	(Alsos et al., 2017)	
Sweden	2.5%	Share of working-age population that had performed platform work in the past year.	Survey of 7069 respondents	(SOU, 2017:24)	
Sweden	1.7%	Share of working-age population that had earned 50% or more of their income via platforms and/or work via platforms more than 20 hours a week.	Survey of 2321 respondents, 2017	(Urzi Brancati et al., 2019)	

The Nordic Online Labour Index (OLI)<sup>5</sup> represents an alternative way to measure developments in Nordic online platform work – i.e. not location-based platform work – from 2017 onwards (Jesnes & Braesemann, 2019). The main findings are that there is no systematic growth in demand for online labour in the Nordic countries since May 2017, and that the demand for online labour in the Nordic countries is actually higher than the supply (Kässi & Lehdonvirta, 2016; Jesnes & Braesemann, 2019).

As earlier underscored, platform work is difficult to measure and capture through statistics, and the survey-based numbers in table 1.1 remain uncertain (Alsos et al., 2017). This is a general problem, worldwide. Riso (2019) has reviewed the many attempts made by official statistical bureaus, surveys conducted by research institutes, and data about platform work gathered through web-scraping such as the Nordic Online Labour Index. The measurement problems arise from the confusion around what platform work is, its marginality, the continuous evolution/change of platform companies, and the difficulty of reaching platform workers through surveys (Riso, 2019; Alsos et al., 2017). However, work is being done at both national and European levels to improve statistics on platform work (Riso, 2019).

## 1.5 Structure of the report

The remainder of the report is structured as follows: In Chapter 2, we explore the issues of concern that the platform economy raises for the Nordic model. Chapter 3 explores Uber’s different trajectories in the Nordic countries. Uber is the most

5. See also <http://oiiilab.org/fabian/NOLI.html>



notorious example of a platform company, and the differences, similarities and results of Nordic governments' responses to the Uber challenge are of salience here. The overview of regulation and deregulation in the transport industry is followed by two case studies of Uber drivers in Oslo and Helsinki, respectively. Chapter 4 presents a case study within high-skilled platform work in the translation industry in Sweden and Finland, highlighting differences between low-skilled and high-skilled platform work. In Chapter 5, we look at two case studies of different approaches to developing collective agreements in Nordic platform companies: the Hilfr agreement and the Foodora agreement. In Chapter 6, we review social partner responses to the platform economy in the Nordic countries, and discuss possible scenarios for the regulation of platform work. In the final chapter, Chapter 7, we summarize the main findings, reflect upon the development of work in the Nordic platform economy, and discuss possible avenues for future policy development.

# Chapter 2. Platforms at work – issues of concern

By: Kristin Jesnes (Fafo) and Bertil Rolandsson (University of Gothenburg).

## 2.1 Introduction

The platform economy cultivates expectations of an innovative and highly dynamic service sector that provides new sources of income, as well as opportunities for entrepreneurship and flexible work schedules. Nevertheless, these promising prospects appear to come with a price. Labour that engages in platform work encounters circumstances that, in many cases, raise issues of concern to the parties in the labour market. In this chapter, we look more closely at some of the concerns emerging in the Nordic context.

First, we describe the platform companies' frequent use of solo self-employed labour while at the same time determining terms and payment through the app. Second, we look into how self-employed run the risk of ending up in a situation with significantly weaker individual and collective rights than employees. Such conditions require more of the individual when it comes to saving for holiday pay, sick days, a pension and the like. Without the knowledge or capacity to do this, more people may find themselves in difficult economic situations in the future. A workforce with more solo self-employed might also challenge the highly organized Nordic labour market models relying on collective bargaining as the predominant type of working life regulation. Third, the chapter engages with the question of what happens if low-skilled platform work expands, potentially feeding into trends of polarization or dualization of the workforce, with a growing segment of the labour force working in low-skilled, insecure jobs. Fourth, we discuss the platform companies' strategic positioning as mere technological intermediaries, often distancing themselves from companies providing similar services, e.g. in the transportation or cleaning industry. This might create both opportunities for innovation and tension between these new companies and the more established companies that follow industry regulations, as they are not competing on the same terms. Finally, we address the issue of taxation, which is important for the Nordic countries as it funds the welfare state. Platform companies with headquarters in the United States do not necessarily pay taxes in the Nordic countries, and research indicates that platform workers do not always pay the requisite taxes, either (see also Alsos et al., 2017).

## 2.2 Challenges to the employment relationship

Leaning primarily on solo self-employed as a workforce, platform companies use algorithms to varying degrees to determine the terms and conditions of the job and the income of the platform workers. The way in which these algorithms become instruments of management thus raises the question as to whether the platform workers are, in reality, employees – and, if so, this implies that the platform economy tends to propel growth in false, fictitious or “bogus” self-employment, i.e. the classification of de facto employees as self-employed. Hotvedt (2016), for instance, argues that the way that platform companies use technology to control working

conditions and income might indicate that there is, in reality, an employment relationship, although the companies argue otherwise.

In the literature, the use of technology to control terms of working conditions and pay is increasingly referred to as "algorithmic management" (see Lee et al., 2015). According to Schildt (2017: 25), the concept of algorithmic management "captures the new reality where algorithms track the performance of employees or contractors, optimizing decisions concerning their tasks and future employment". Prassl (2018) emphasizes that algorithmic management has both positive and negative implications. On the one hand, it enables improved matching between supply, demand and expertise. On the other hand, it can have detrimental consequences for working conditions, pay and the labour process.

The trade unions in all the Nordic countries criticize platform companies for being reluctant to assume employer responsibility. In this vein, the unions are concerned that the way these companies make use of umbrella companies<sup>6</sup> and "bogus" self-employment allows businesses to bypass demands for collective agreements. The trade unions are disdainful of the return of old forms of unfair piece-rate work, this time by means of new digital technology. This discussion has been most vivid in the transportation industry, due to the immense attention garnered by Uber's entrance into the Nordic markets. For instance, the Danish trade unions complained that Uber did not comply with the Danish Taxi Act, leading to concerns regarding rising pay gaps between self-employed and employee drivers. Several other unions have turned their attention towards working conditions, criticizing how the emerging forms of algorithmic management are not transparent and delimit the opportunities for platform workers to influence their working conditions and pay (Constantinides et al., 2018). Norwegian, Danish, Finnish and Swedish employers' organizations have also expressed concern that considering platform workers as self-employed may distort competition, fuel social dumping and expand the black market (Oppegaard et al., 2019).

While there is no case law on the issue of whether platform workers are employees in the Nordic countries, there have been a few cases in other European countries and the United States. The most well-known is probably "Uber BV v Aslam", in which the London employment tribunal ruled that the two Uber drivers were 'workers' – referring to a third category of British law that lies in between employees and self-employed – and hence entitled to minimum wage and holiday pay. The tribunal left the issue unresolved as to whether the drivers were employees (London Employment Tribunal, 2016). Another case from the United Kingdom, promoted by the Independent Workers Union of Great Britain (IWGB) resulted in Deliveroo couriers being considered self-employed and illegible to negotiate collectively (Moore & Newsome, 2018). Hence, there is no straightforward answer to the question of whether platform workers are employees or self-employed, and case law may have different outcomes depending on how the platform company mediates work and the legal regime under which the case is handled (Hotvedt, 2018).

In the Nordic countries, some platform companies, as mentioned earlier, hire workers on marginal part-time contracts instead of relying on solo self-employed (Jesnes,

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6. Umbrella companies are companies that act as a quasi-employer for contractors working on fixed-term contracts or temporary assignments, such as freelancers or others in looser work arrangements. The umbrella companies take care of many of the transactions an employer would usually perform, such as paying taxes, invoicing customers or setting aside vacation pay. Securing new assignments or projects, however, remains the responsibility of the individual.

2019). As these platform workers usually have atypical contracts that differ in important respects from standard, open-ended contracts, the platforms' hiring practices may still hollow out the employment relationship.

### 2.3 Access to social benefits

Another concern arises from the fact that the extensive welfare and labour rights in the Nordic models are anchored in the binary relationship between the employee and the employer. This implies that the standard employment relationship – with open-ended and predominantly full-time contracts – is still the norm, and that solo self-employed do not have access to the same individual and collective rights as employees.

On the individual level, solo self-employed platform workers face the risk of not being entitled to unemployment allowance or savings covering their pensions – an issue of particular attention among the trade unions. Table 2.1 below shows the differences in access to *statutory* social protection benefits for self-employed in the Nordic countries.

**Table 2.1 Access to statutory social protection benefits for self-employed in the Nordic countries**

	Denmark	Finland	Sweden	Norway
<b>Healthcare</b>	Full access	Full access	Full access	Full access
<b>Sickness benefits</b>	Full access	Full access	Full access	Partial access
<b>Maternity/ paternity</b>	Full access	Full access	Full access	Full access
<b>Unemployment benefits</b>	Partial access	Partial access	Partial access	None
<b>Accidents at work</b>	Voluntary access	Full access	Full access	None
<b>Old-age pension</b>	Full access	Full access	Full access	Full access

**Source: Steen et al. (2019: 91); Fulton (2018: 72).**

As an example, table 2.2 below illustrates the variation between employees, freelancers and self-employed in Norway regarding access to social benefits (both statutory and occupational benefits).<sup>7</sup> The table illustrates that while all the countries provide full access to an old-age pension, this is not necessarily the case with an occupational pension. As pointed out by Moore and Newsome (2018), the platform companies' choice to rely on solo self-employed as a workforce implies that the risks and costs associated with employment – such as sick pay, holiday pay,

7. The differences in access to social benefits will be covered more thoroughly in Pillar VI of the project: Hotvedt et al. (2020, forthcoming).

pensions, and insurance – are transferred to the individual workers.

**Table 2.2 Rights and benefits for employees, freelancers and self-employed in Norway**

Rights and benefits	Employee	Freelancer	Self-employed (with or without own employees)
<b>Sick pay</b>	100% coverage from the first day, employer covers the first 16 days (With an upward limit of 6G)	100% coverage after 16 days, may have insurance for the first few days	75% after 16 days, may have insurance for the first few days/ remaining percentage
<b>Occupational Pension</b>	Yes	No, own responsibility	No, own responsibility
<b>Unemployment benefits</b>	Yes	Yes, as employees	No, may sign up for insurance
<b>Injury benefits</b>	Yes	No, may sign up for insurance	No, may sign up for insurance
<b>Covered by the Working Environment Act, Labour Dispute Act, Wage Guarantee Act ++</b>	Yes	Varies, subject to individual assessment	No (with the exception of provisions on health and safety and discrimination)

**Source: Altinn (2019); Jesnes (2019); Røtnes et al. (2019).**

In our study, interviewees from the Danish trade unions highlighted that the weaker social rights of self-employed in the Nordic countries means that solo self-employed in, for instance, the taxi business carry more risks than employees in companies complying with existing law and collective agreements. To them, the fact that many of these solo self-employed do not receive enough pay to cover pensions and insurances makes this issue urgent. Representatives from several Nordic unions also point out that many solo self-employed are migrants forced to accept low-paid jobs, as they are struggling with a precarious position in the Nordic labour market (Oppegaard et al., 2019).

In the literature concerning precarious work, there is increasing consensus around the need to decouple welfare protection from the employment relationship (Alberti et al., 2018: 453). Nordic governments have begun addressing the different social security concerns related to platform work, but apart from the Danish government, none have taken steps to decouple welfare protection from the employment relationship. In 2018, a new unemployment insurance scheme was adopted in Denmark, whereby rights are accrued depending on activities rather than on contractual arrangement (Kvist, 2017). Denmark is thus a step ahead of the other Nordic countries in this matter. The Finnish government changed their pension law in 2017, by widening the so-called entrepreneurs' pension law so that self-employed are considered entrepreneurs within the meaning of the law. However, due to the uncertain and variable income of platform workers, concerns remain that these changes do not eliminate the pension problem. Changes in the Finnish

unemployment insurance law – which introduced two strictly defined categories (entrepreneurs and employees) – apparently do not eradicate the problem, as the employment relationship is still the starting point for accruing such benefits. In particular, self-employed who do not meet the criteria of “full-time entrepreneur” have problems proving that they are eligible for unemployment benefits (Ministry of Economic Affairs and Employment, 2019). In Sweden, a public report (“F-skatteutredningen”) (SOU 2018:49) urges the government to decide how to organize social security and insurance meant to support self-employed who are subject to continuous income loss. Another Swedish public investigation (*Tryggare arbetslöshetskassa*) has begun looking at the regulation of unemployment allowance (Dir 2018:8). None of these have gone as far as the Danish reform, however.

## 2.4 Collective rights

On the collective level, national and European competition law implies that self-employed do not have the same rights to engage in collective bargaining as employees. If the platform economy grows and a larger proportion of the working-age population are considered self-employed, this will have implications for the collectively organized Nordic labour markets (Dølvik & Jesnes, 2018). The right to negotiate collective agreements is obviously of concern to the Nordic trade unions. The unions also report difficulties in organizing and mobilizing dispersed, individual platform workers without a conventional employer and fixed workplace. The prospect that such conditions can spill over into competing companies and branches may raise doubt about the unions’ ability to maintain their status as the legitimate counterpart in segments of the labour market. However, recent union initiatives to mobilize platform workers delivering food through, for instance, Foodora Norway indicate that unions may still succeed in organizing such workers. The mobilization resulted in a new collective agreement after a five-week strike in the fall of 2019 (see Chapter 5). There are also examples of collective agreements with platform companies emerging in Denmark and Sweden. Whether these represent exceptional cases or the beginning of a trend indicating that the social partners will take care of this issue between themselves remains to be seen (Jesnes et al., 2019; see Chapter 6). At any rate, these examples illustrate that some platform companies are adapting to the Nordic model to the extent that the boundaries between the platform companies and more traditional companies are becoming blurred.

A possible driver for this increase in collective agreements is that both trade unions and employers’ organizations in the Nordic countries fear that the EU or national governments will interfere with regulation if the parties do not find a way forward, towards negotiated conditions for platform work. The platform economy has been a hot topic in EU fora. In the context of the EU social pillar, the conditions for workers in the platform economy might be a case in which the EU develops pan-European rules with implications for national labour market regulation, as in the case of the temporary work agencies in 2001 (Alsos & Evans, 2018). However, the Nordic trade unions and employers’ organizations, often supported by the state, are used to handling technological and structural changes in the labour market between themselves, and tend to shy away from governmental or EU interference. Still, the efforts of political, academic and legal communities around Europe to find a way to secure the right to collective action for freelancers and self-employed might also

inspire Nordic actors to test the limits of competition law. In fact, in 2018, a public commission in Norway comprised of employer and union representatives proposed that platform workers should have the right to collective bargaining (NOU 2017:4), but nothing has come of it. New case law in the EU, however, suggests that freelancers and self-employed might negotiate collectively, when there is an imbalance of power in the relation between the parties (Jesnes et al., 2019; Hotvedt, 2020). This could potentially have a substantial effect on employment relations and conditions in the platform economy. Even if Nordic unions greet such achievements positively, there is a concern among both the unions and employers' organizations that too much EU interference may disrupt the model of autonomous self-regulation in Nordic labour markets.

## **2.5 Polarization and dualization of the labour market**

In the wider debate on the future of work, research addressing tendencies towards polarization or dualization links the emergence of platform work to broader institutional changes in the labour market. Studies on polarization, for instance, show how digital technology in some countries has led to reduced demand for routine-based tasks (the jobs in the middle), and an increase in both high-skilled jobs (typically managers and consultants) and low-skilled jobs (e.g. within logistics or cleaning) (Berglund et al., 2020; Autor & Dorn, 2013). Other studies focusing on the dualization of labour indicate that technological change interacts with broader societal change – here, corporations' changing staffing strategies contribute to more segmented labour markets with sharper divisions between layers of secure insiders and outsiders on insecure, atypical contracts (Emmenegger et al., 2012; Rasmussen, 2019). A concern linked to such tendencies is the risk of a widening pay gap between low-skilled and high-skilled work. This fear for a more polarized or dualized labour market also pertains to the potential for rising groups of precarious platform workers in the Nordic labour markets (Kalleberg & Vallas, 2017). Platform workers may face a greater risk of precariousness – for instance, because of their gender or ethnic minority background – making it more complicated for them to improve their income or even find a job (Oppegaard, 2018). In relation to migration, studies of the taxi business in Denmark and Finland have demonstrated how language demands can represent an entry barrier, as they make it difficult to pass the test for getting a conventional taxi licence approved (Oppegaard et al., 2019; see also Chapter 3). Such barriers might leave certain groups of platform workers in a situation where they simply have to pick "gigs" at the margins of what is allowed by the Nordic legal systems.

## **2.6 Innovation and disruption or unfair competition?**

Since Uber entered the Nordic markets around 2014, the issue of innovation on the one side and (un)fair competition on the other has been pivotal in debates about the platform economy and the future of work. The contested issue is whether Uber is a technology company driving innovation and growth, as the company has claimed, or a taxi company obliged to follow taxi regulations. EU case law and several other court cases in London and the United States have concluded that Uber is a taxi

company (CJEU, 2017; London Employment Tribunal, 2016; North California District Court, 2015). Considering Uber as a taxi company, several governments (including in the Nordic countries) have begun to deregulate the taxi industry to accommodate Uber and to create a level playing field between the new technology platforms mediating taxi services and the more traditional taxi companies (see Chapter 3).

Employers, trade unions and governments in the Nordic countries look upon the platform economy as a limited phenomenon that nevertheless might have disruptive consequences for future business (Arbetsmarknadsekonomiska rådet, 2018). In the Finnish "Roadmap for the Digital Platform Economy" (Viitanen et al., 2017) – co-written by Business Finland, the Finnish Government and the Ministry of Economic Affairs and Employment – this is cited as a major reason for boosting entrepreneurial opportunities associated with the platform economy. In Norway, the employers' organizations NHO Transport and NHO Abelia (which organize Uber and a few other platform companies) draw on similar arguments as reasons to support the deregulation of the taxi sector (implemented in 2020 by the Norwegian government).

At the same time, deregulation and drastically changing conditions for competition are linked with a set of concerns. For instance, the Norwegian Taxi Association emphasizes the illegality of Uber Pop and has argued that Uber Black drivers also operate illegally, as many drivers do not have a limousine service operator licence and the receipts do not specify VAT. Similarly, the Swedish Taxi Association has expressed concern for unfair competition due to illegal drivers without an appropriate licence and the use of receipts that do not specify VAT. In an interview with the Danish employers' organization, the problem of unfair competition was illustrated by pointing out that companies assuming proper employer responsibilities carry more risks and have higher labour costs than platform companies facilitating solo self-employment (Oppegaard et al., 2019).

Another issue of concern is whether small entrepreneurial firms will have the capacity to compete under circumstances shaped by increasingly bigger platform companies. In an analysis of the Swedish and Finnish translation business (Rolandsson et al., 2019, see Chapter 4), self-employed translators describe how they have become dependent on bigger companies in charge of platforms that provide jobs to crowds of geographically dispersed technical translators. Concerns regarding their ability to compete are related to the fact that they must quickly accept any job that is automatically distributed by the platform algorithm: If they want to land the job, they must keep in mind that there is always someone else in the crowd populating these platforms who may accept a lower rate. This means that self-employed translators simply do not have time to negotiate price and conditions, and cannot compete with other technical translators by referring to quality and expertise.

## 2.7 Taxation

Thus far, we have addressed issues with obvious implications for workers, the collective bargaining system and competition. Company taxation has been another contested topic in the public debate. Affecting the terms of competition and funding of public services, governments and trade unions have been worried about the



entrance of international companies registered in tax havens that are not obliged to pay taxes in the Nordic countries (Dølvik & Jesnes, 2018). If the platform economy expands and largely encompasses companies engaged in this type of business, reduced tax revenues would harm the Nordic welfare systems. Employers in the Nordic countries have also expressed concern that this reluctance to pay corporate payroll taxes or indirect taxes (VAT) implies that competition will be difficult for established firms providing decent jobs. This problem can be aggravated when platform companies leave it to the individual platform worker to manage social costs, taxable incomes and activities. For example, an investigation commissioned by the Swedish Taxi Association found that 83% of Uber drivers entered a lower fare than what the passenger paid into the taximeter or did not use the taximeter at all. Altogether, 68% of their revenue – SEK 36 million (EUR 3.5 million) – was therefore not reported to the Swedish Tax Agency (Oppegard et al., 2019). In Norway, the Taxi Authority also found that 9 out of 10 Uber Pop drivers did not report taxes while the service operated in Oslo from 2014 to 2017 (Alsos et al., 2017).

However, initiatives aimed at tightening the holes in the tax systems are on their way. For example, in Norway, third parties like Airbnb are (as of 1 January 2020), obliged to inform the tax authorities of the incomes of private individuals through their platforms (Skatteetaten.no, n.d.). This makes it more difficult for individuals to evade taxes. When it comes to taxing multinationals, the Nordic governments appear to be leaving the issue to the Organisation for Economic Co-operation and Development (OECD) and the EU. In France, however, President Macron's government has taken the issue into its own hands and has decided to tax big tech companies. It is important to keep in mind that the way the Nordic countries ultimately decide to tackle these taxation concerns is key to our understanding of platform work – and, more fundamentally, the financing of the Nordic welfare states. Nevertheless, the following chapters primarily focus on the institutional frameworks that shape the conditions of platform workers and their daily work life.

# Chapter 3. Uber's trajectories in the Nordic countries

By: Sigurd M. N. Oppegaard (Fafø), Tiina Saari (Tampere University) and Antti Saloniemi (Tampere University).<sup>8</sup>

## 3.1 Introduction

Uber has emerged as one of the giants of the platform economy. The American transportation company, founded in 2009, has expanded to over 700 cities across the world. Through a strategy of global experimentation, Uber has initiated its business model in new markets, adjusting to local conditions, paying fines when required, and leveraging regulatory grey zones to incite taxi market deregulation (US Securities and Exchange Commission, 2019).

In the autumn of 2014, Uber launched its operations in all the Nordic countries except Iceland.<sup>9</sup> Uber frames itself as a technology company, providing a digital platform through which drivers can supply rides, rather than as a transportation company. When it arrived in the Nordic countries, Uber was entering relatively well-regulated taxi markets that determined number of taxi licences, criteria for licence attainment and/or vehicle requirements for cars used for taxi transportation. Instead of adjusting its business model to these regulatory frameworks, Uber established its operations in Denmark, Finland, Norway and Sweden while violating the taxi market regulation in all four countries. While meeting resistance from the legal apparatus as well as some politicians, trade unions and taxi associations, Uber was also praised for its "disruptiveness" by customers enjoying the lower fares and politicians inclined to increase competition in the taxi market. Uber thus sparked a process of taxi market deregulation in all the Nordic countries.

This chapter aims to explore both the trajectory of Uber's business model in the Nordic countries and the perspectives and working conditions of the Uber drivers in Finland and Norway. The chapter builds on Oppegaard et al. (2019), with unpublished contributions by Anna Ilsøe (Denmark) and Bertil Rolandsson (Sweden), and on additional reviews of policy documents concerning Uber in the four Nordic countries and other reports. We begin by mapping out the trajectories of Uber in Denmark, Finland, Norway and Sweden, describing how Uber provoked taxi market deregulations. Thereafter, we explore the working conditions of Uber drivers in Helsinki, Finland and Oslo, Norway, and their attitudes towards the work.

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8. Sigurd N. M. Oppegaard has written section 3.2 about the deregulation of the Nordic taxi markets, 3.3 on the politics of Uber and 3.4.2 about the working conditions of Uber drivers in Oslo, while Tiina Saari and Antti Saloniemi have written section 3.4.1 about the working conditions of Uber drivers in Helsinki.

9. In the following, we use 'the Nordic countries' and 'the Nordics' to refer to Denmark, Finland, Norway and Sweden.

### 3.2 Uber in the Nordics: Regulatory entrepreneurship and taxi market deregulation

An important feature of Uber's adaptability to different contexts is the diversity in services it offers (see table 3.1 for an overview of Uber's services). Uber X is considered the "regular Uber". The formal organization of this service, however, varies between regulatory contexts: In some countries where there are no licence requirements for providing taxi services, Uber X drivers are usually non-professional drivers who are using their private cars and are treated by Uber as independent contractors, while the same service is organized with licensed drivers in countries where such requirements prevail. In the Nordic countries (and sometimes in combination with other services), Uber initially launched Uber Pop – Uber's experimental version of Uber X, usually using non-licensed and self-employed drivers, and initiated as a trial project (Hacker, 2018). In addition to offering a variety of personal transportation services by car, Uber is also investing heavily in food delivery through Uber Eats, air transport in helicopters, and submarines (Uber, 2016).

**Table 3.1 Overview of Uber's transportation services by car**

Name	Characteristics	Form of employment
Uber X	Known as the "normal" Uber. Deployed in taxi markets where this model can operate legally – either with non-licensed drivers in deregulated taxi markets, or with licensed drivers in taxi markets where licenses are required.	Independent contractors in the United States and solo self-employed in other judicial contexts. The drivers must set up their own sole proprietorship and pay their own taxes, fuel, insurance and toll charges (Hotvedt, 2016).
Uber Pop	Uber's "trial project" for testing out its business model in new regulatory contexts. Anyone with a driver's license, a car under 10 y/o and a good reputation can sign up to become an Uber Pop driver.	Same as above.
Uber Black	A high-end service with professional, i.e. licensed, drivers providing transportation in relatively exclusive cars. More expensive than Uber X/Uber Pop. An intermediary usually owns the cars and obtains the proper licenses.	Drivers engaged by an intermediary – in the case of Oslo, as employees of limousine companies.
Uber Lux	A more expensive version of Uber Black, with more exclusive cars. The cars are usually owned and licensed by intermediaries.	Same as above.
Uber XXL	Transportation in mini busses, up to 16 passengers. The cars must be licensed as a touring vehicle. More expensive than Uber Lux.	Same as above.

Upon its arrival in Denmark, Finland and Norway in 2014, Uber established its business model solely in the capitals; in Sweden, it launched in Gothenburg, Malmö and Stockholm. One reason for the more intense launch in Sweden may be that Uber estimated its likelihood of success to be higher there, as the taxi market had already been deregulated in the early 1990s. Uber sparked immediate national debates around competition, technology and the regulation of the taxi market, and triggered a process of taxi market deregulation across the Nordic countries. Table 3.2 shows the new taxi regulations following Uber's entrance into the Nordic market. In the following, we explore the entrance of Uber in each of the Nordic markets.

**Table 3.2 Post-Uber regulation of the taxi markets in the Nordic countries**

Country	Taxi licence requirement	Numerical restrictions on licence	Criteria for obtaining taxi licence	Criteria for obtaining professional licence	Vehicle requirements
Denmark (2017)	Yes	No	Danish residency, economic foundation. Taxi services must be sold through dispatch centre	EU/EEA residency, over 21 y/o, display proper conduct and theoretical examination	Taximeter, seat sensor and video surveillance
Finland (2018)	Yes	No	Command of Finnish or Swedish language, ability to assist customers with special needs	Command of Finnish or Swedish language, ability to assist customers with special needs	Technology for calculating time and distance of the ride
Norway (to be implemented 1 July 2020)	Yes	No	Establish an actual and lasting business in Norway, display proper conduct and provide an economic guarantee	Pass competence examination (in Norwegian), display proper conduct and having had a driver's licence for at least two years	Taximeter, although the licencing authority can provide exemptions from the requirement
Sweden (1990)	Yes	No	Display proper conduct, provide economic guarantee and pass management examination	Be over 21 y/o, display proper conduct, provide medical certificate and pass competence examination	Taximeter ('car-pooling' exempt, new category to be implemented partly 1 September 2020 and partly 1 January 2021)

### 3.2.1 Denmark

In Denmark, Uber initiated its operations in Copenhagen in November 2014, offering Uber Pop. The Danish Transport, Construction and Housing Authority immediately reported Uber to the police for breaking the law by providing unlicensed passenger transportation. In a November 2016 court case, two drivers were charged with violating the Act on Taxi Driving and the Act on Road Traffic. The Eastern High Court argued that Uber should be regarded as commercial transport. Furthermore, an additional 1500 drivers were charged with similar violations, and former Uber drivers received bills for unpaid taxes. In addition, Uber's Dutch subsidiary Uber RV was charged with collaboration, and accepted the DKK 30,000 (EUR 4000) fine in March 2017 (Soested & Munkholm, 2018: 151).

Uber's entrance in Denmark sparked a political debate on deregulation, a resurfacing of issues discussed a few years earlier. Danish politicians initiated a process of amending the country's taxi regulation, and new regulations were implemented in January 2018 under a liberal-conservative coalition government, supported by the right-wing populist party (Soested & Munkholm, 2018: 142). The Danish deregulation of the taxi market was driven by the desire to lower the entry barrier and thus enable new business models and increase competition (Oslo Economics, 2019). However, after the outlines of the new taxi regulation were published in February 2017, Uber stated that the company would no longer be able to operate in the country, and discontinued its Danish operations in April 2017. Although the amendments entailed a lifting of the numerical restrictions on licences, the new regulations still required both a taxi licence for the vehicles and a professional licence for the drivers to perform taxi services. The most important obstacle seen from Uber's perspective, however, was that taxi vehicles must still be equipped with taximeters, seat sensors and video surveillance, and must display the licence number, name of dispatch centre and fare on the exterior of the car (Soested & Munkholm, 2018).

At its highest, Uber stated it had 2,000 registered drivers and 300,000 users in Denmark (Soested & Munkholm, 2018: 150). Although all of Uber's services were withdrawn from the Danish market, Uber continued its Aarhus office, where the company employs around 40 software developers (DR, 2017). A few months after withdrawal, the then director of Uber Denmark wrote that Uber might return to the country, and expressed that, while Uber wanted to follow the law, they also believed that the taxi market should be deregulated further (Nielsen, 2017).

### 3.2.2 Finland

Uber launched two services in Helsinki in November 2014: Uber Black and Uber Pop. The legality of Uber Pop, which was operating with unlicensed drivers, remained unclear until a court argued that providing passenger transportation through Uber Pop violated the regulation of the taxi market, and two drivers were sentenced to surrender their earnings in 2016 (Dølvik & Jesnes, 2017, 2018). Subsequently, 77 drivers were fined for providing passenger transportation without a licence (Yle, 2019). In June 2017, a Helsinki court ordered the confiscation of EUR 250,000 from Joel Järvinen's account, then General Manager of Uber Finland, now General Manager of Uber Nordics, but the verdict was appealed and later overruled (Reuters, 2017). A month later, in July 2017, Uber "paused" Uber Pop in Finland, although the

operation of Uber Black was continued (Uber, 2017a).

Accompanied by a hectic debate about the threats of unfair competition and worsening working conditions, a new taxi regulation was implemented in Finland in July 2018, providing Uber with the legal conditions for re-launching its operations in Finland. The deregulation removed the numerical restrictions on taxi licences, the maximum price regulation and the obligation to be organized by a dispatch centre. Taxi drivers must still have a professional licence, but vocational competence and knowledge of local geography are no longer a requirement for obtaining a taxi licence. Drivers and licence holders must only display a satisfactory knowledge of Finnish or Swedish and have the ability to assist customers with special needs. Taximeters are no longer required, as long as the vehicle is equipped with a tool or technology (e.g. the Uber app) for calculating the time, distance and price of each ride (Oslo Economics, 2019; Heikkilä & Heikkilä, 2019).

The new taxi legislation essentially legalized the previously "paused" Uber Pop and made it possible for Uber to re-introduce a service organized with self-employed drivers using their own cars (called Uber X) in Helsinki (Uber, 2018a). The deregulation also opened up for other Uber-like companies, such as the Russian Yango and the Estonian Bolt (formerly Taxify). Yet, the industry is constantly changing, which is exemplified by the closure of Bolt in early 2020. With only 500 drivers, Uber is still a small operator in the Finnish taxi business, and it operates only in Helsinki. It is unclear how many drivers the other companies have, but overall, there are approximately 12,000 taxis in Finland (Traficom, 2019).

Ten months following the deregulation, the number of licence holders had increased by 30% and the number of issued licences by 20% (Aarhaug & Skollerud, 2019). The majority of new taxi and platform companies are operating in the biggest cities, as the new taxi platforms are not interested in operating in small and less profitable markets (Heikkilä & Heikkilä, 2019). According to calculations by Statistics Finland, the taxi fares initially dropped in the first months following the deregulation, but have subsequently increased to a significantly higher level than prior to the deregulation (Helsinki Times, 2019; Oslo Economics, 2019). Furthermore, the taxes paid by taxi operators have decreased by one-third, potentially due to tax evasion (Heikkilä & Heikkilä, 2019: 888).

### **3.2.3 Norway**

As in Finland, Uber launched the services Uber Black and Uber Pop in Oslo in November 2014, and soon ran into regulatory obstacles. In 2016 and 2017, for instance, 138 Uber Pop drivers were fined for providing taxi services without the required licence, 94 drivers lost their driver's licence and 67 had their earnings confiscated by the authorities (Aftenposten, 2017). Furthermore, in September 2017, Uber Norway and the Dutch subsidiary Uber BV received and accepted a shared fine of NOK 5 million (EUR 514,000). In Norway, the Tax Authorities sent an invoice for additional tax to 600 Uber Pop drivers in 2017 for not paying VAT while earning more than NOK 50,000 (Alsos et al., 2017: 63). Uber Pop was "put on pause" on 30 October 2017, according to Carl Edvard Endresen, the then head of Uber Norway, because the "legislation is unclear" (NTB, 2017). However, Uber could still offer Uber Black, and two additional services launched in 2017: Uber XXL and Uber Lux.

The liberal-conservative government coalition initiated a commission on the sharing

economy, which suggested a deregulation of the taxi market in early 2017 (NOU 2017:4). Norwegian consumers have long expressed discontent with the expensive fares and taxi drivers' lack of knowledge of the Norwegian language and local geography (Longva et al., 2010). Within this context, Uber was framed as a solution to the challenges faced by the Norwegian taxi industry. Furthermore, the EFTA Surveillance Authority argued in a reasoned opinion from 2017 that the Norwegian regulation of the taxi market and its restrictions on market entry violated the freedom of establishment in the EEA Agreement (EFTA Surveillance Authority, 2017). In its response, the Norwegian Ministry of Transport and Communication acknowledged that "the taxi market today does not work satisfactorily in all parts of the country" and agreed that the numerical restriction on licences restricts market entry for new operators (Ministry of Transport and Communications, 2017: 1). This initiated the process of deregulation of the Norwegian taxi industry.

In October 2018, the Ministry of Transport and Communications (2018) published a public hearing proposing a new regulation aimed at increasing competition in the industry and facilitating new business models and the implementation of new technology. To meet this goal, the Ministry suggested keeping both taxi licences and professional licences, but removing the means testing of licences and thus numerical restrictions on taxi licences.<sup>10</sup> Further, it was suggested that the maximum price regulations be lifted, and to repeal the requirement that licence holders be connected to a dispatch centre. Instead, the expertise requirements would be transferred from the taxi licence holder to the drivers, who would have to pass an exam – in Norwegian – to obtain a professional licence. To obtain a taxi licence, applicants would need to establish a business in Norway, display proper conduct and provide an economic guarantee. To further facilitate market entry, the Ministry proposed repealing the requirement that taxi driving be one's primary occupation. While this suggested deregulation would make it easier to obtain a taxi licence, it would make it slightly more difficult to obtain a professional licence.

During the hearing round, many stakeholders expressed their view on the proposed new taxi regulation. Uber (2018b) was generally appreciative of the proposed deregulation, but argued that the requirements for obtaining taxi and professional licences should be simplified further and that the regulation on logging trips should be "technology neutral". Uber also noted that, as the Ministry had not concluded as to whether to remove the taximeter requirement, Norwegian authorities should look to Finland, where the deregulation of the taxi market allowed the use of mobile applications as alternatives to taximeters. The Norwegian Confederation of Trade Unions (LO) argued that taxi drivers' working conditions were not properly problematized and dealt with in the proposed new taxi market regulation (LO, 2018) – an argument also raised by Yrkestrafikkforbundet (2018) for transport workers, affiliated with the Confederation of Vocational Unions (YS), and the LO-affiliated Transport Workers' Union (Norsk Transportarbeiderforbund). Many dispatch centres, as well as the Taxi Association (Norges Taxiforbund, 2018), held that the means testing and numerical restriction of licences is the most expedient way to regulate the taxi market, and argued that the proposed deregulation will lead to higher prices and poorer service.

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10. In areas with low demand for taxi transportation, the Ministry suggested allowing each county to assign exclusive rights to one company to perform taxi transportation, to ensure sufficient taxi supply across the country.

With no significant amendments to the proposed deregulation, the new regulations were passed by Norwegian Parliament in June 2019, to be implemented in July 2020.<sup>11</sup> While the vehicle requirements are not specified in the Act itself (Stortinget, 2019), a governmental committee concluded early in 2019 that the taximeter requirement should be replaced with a requirement to equip the vehicles with digital control solutions, such as mobile applications (Konkurransetilsynet et al., 2019). In September 2019, Järvinen announced that Uber might return to Norway after the taxi market is deregulated, but did not specify when or with which services (E24, 2019).<sup>12</sup>

### 3.2.4 Sweden

The Swedish taxi market was deregulated in 1990, when numerical limitations and means testing of taxi licences were removed. As Thelen (2018: 940) remarks, the taxi industry in Sweden was less regulated than it was in the United States when Uber entered the market. To operate a taxi in Sweden, one still needed a taxi licence and drivers had to be certified. The price regulations were replaced by free pricing and taxi licence holders no longer needed to be associated with a dispatch centre (Oslo Economics, 2019). The deregulation facilitated a highly decentralized taxi industry, with 70% of the taxi drivers being owner-drivers and only 30% salaried drivers – a proportion that is even lower in the large cities (Bekken & Longva, 2003). In contrast to Norway today and Finland pre-deregulation, all passenger transportation in Sweden is classified as a taxi service, without an independent private-hire vehicle industry (such as limousine transport) (Bekken & Longva, 2003).

Despite the deregulated taxi market in Sweden, Uber caused concerns among lawmakers and social partners when the company established its operations in Sweden in September 2014. In addition to Uber X and Uber Black, Uber launched Uber Pop as a pilot service. Uber Pop was suspended in Sweden in May 2016 (Reuters, 2016), after nearly 30 drivers were sentenced for providing passenger transportation without taxi licences or taximeters (The Local, 2016). Uber X and Uber Black could continue to operate, as these cars were equipped with taximeters and the drivers licensed. These services are available in Gothenburg, Malmö and Stockholm, where Uber drivers must register the details of each ride in the taximeter (Oppegaard et al., 2019). In 2016, a report from a government-appointed committee, "Taxi and Car-Pooling – Today, Tomorrow and the Day After Tomorrow" (SOU 2016:86), concluded that it was necessary to distinguish between taxi services and car-pooling. The Swedish parliament approved a new category of taxis in June 2018 (Sveriges Riksdag, 2018), exempt from the taximeter requirement. Instead of a taximeter, these taxis must be affiliated with a dispatch centre, which will register data on each ride and organize booking, fare, payment and the route. The authorities will thus be able to ensure that these taxis do not impede tax control and security. The amendments to the taxi regulation will be implemented in September 2020 and January 2021 (Oslo Economics, 2019).

While Uber in Sweden initially presented itself as a mere facilitator for independent

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11. Due to the Covid-19 pandemic having dramatic consequences for the Norwegian taxi industry, the Ministry of Transport and Communications is, as of late April 2020, considering postponing the implementation of the new taxi market regulations.

12. In early April 2020, Uber announced that the company was preparing to launch Uber X in Norway during 2020 (E24, 2020).



drivers, the company has increasingly highlighted efforts supporting the drivers. Uber drivers who do not own a car registered for passenger transportation can become what Uber terms a "fleet partner", meaning that they use a car owned by someone else (a "fleet owner") to pick up and drive passengers through Uber (Uber, n.d.-b). In Sweden, Uber also gives the drivers the opportunity to lease (Uber, n.d.-c) or buy a car through the company (Uber, n.d.-a). This service relationship between Uber and the drivers, within which the drivers have emerged rhetorically as Uber's business partners rather than independent drivers, is also prevalent in Finland.

Taxation has been one of the major concerns with Uber in the Nordic countries, for trade unions and employers' organizations alike. In Sweden, an investigation commissioned by the Swedish Taxi Association revealed that 83% of Uber drivers either did not use the taximeter or entered a lower fare than that which their passengers paid – as such, 68% of their earnings were not reported to the Swedish Tax Agency (GPG, 2018).

### **3.3 Discussion: The politics of Uber**

Inspired by Thelen (2018) and Rahman and Thelen (2019), Uber's entrance into each of the Nordic countries can be conceptualized by highlighting three themes:

1. Uber's regulatory entrepreneurship and reluctance to become directly involved in the process of providing taxi services or take responsibility for the drivers and cars;
2. the priority given to the consumers' rather than the taxi drivers' interests; and
3. the role of political will.

#### **3.3.1 Regulatory entrepreneurship and the avoidance of direct involvement and responsibilities**

Thelen (2018) discusses the different outcomes of Uber operations in Germany, Sweden and the United States. Within what she terms the "liberalization thesis", new business models are seen as drivers of deregulation, in that they are able to exploit legal grey zones and establish a consumer base, making it difficult for authorities not to legalize the practice. This, Thelen argues, is descriptive of Uber's trajectory in the United States. We would argue that this is also descriptive of Uber's entrance into the Nordic markets. With the removal of numerical restrictions on taxis, the new regulations of Nordic taxi markets are not concerned with the number of taxis on the road, essentially arguing that the market will regulate itself. This is a move towards a more hands-off approach to the regulation of the taxi markets.

In the United States, as in the Nordic countries, Uber has grown and established itself in what the company has argued are legal grey zones (Uber, 2017a, b), a strategy termed "regulatory entrepreneurship" (Pollman & Barry, 2017). After initiating its services, without concern for their illegality, Uber gained a foothold by building a coalition with its consumers – who enjoyed the cheaper rides – and presenting itself as the future of transportation, thus prompting politicians to create a taxi market regulation adjusted to the company's business model. This strategy is

dependent on venture capital investments: Uber used to be a privately owned company, losing billions of US dollars, until it was listed on the New York Stock Exchange on 10 May 2019. In its registration statement, the company predicted its "operating expenses to increase significantly in the foreseeable future" and that it "may not achieve profitability" (US Securities and Exchange Commission, 2019: 12). Venture capital investments allowed the companies to lose money, in the hope of future market dominance – a monopoly, if possible – and massive profits in the long-term (Rahman & Thelen, 2019). This enables what Thelen argues is Uber's preferred strategy in new countries; it begins by offering its high-end service (Uber Black or Uber Lux), 'followed quickly by its trademark budget option, launched under the Silicon Valley motto: "don't ask permission, ask forgiveness"' (Thelen, 2018: 939). Uber has employed this strategy in the United States and the Nordics alike, contributing to the deregulation of the taxi markets on both sides of the Atlantic.

Uber could have launched a traditional taxi company in the Nordic countries, obtaining taxi licences and operating legally. While this would not necessarily entail employing the drivers, Uber would have to buy cars and equip them with taximeters. Denmark is an interesting case in this context, as Uber discontinued its operations *after* the numerical restrictions on taxi licences were removed, because the technical vehicle requirements were upheld. Complying with the vehicle requirement essentially renders impossible Uber's model of providing passenger transportation through solo self-employed drivers using their own private cars: According to Rahman and Thelen (2019), the ultimate goal of platform companies is control through market dominance rather than through ownership. In fact, Uber's road towards market dominance is paved with their aversion to becoming too directly involved in providing passenger transportation. Uber usually hires drivers as independent contractors – a practice characterized as "bogus" self-employment (Prassl, 2018b) – or, as in the case of Uber Black, by using limousine companies as intermediaries. In both instances, Uber avoids employing the drivers and owning any vehicles. The risk of demand side shocks and legal action against the operations are thus transferred onto the drivers.

While being formally "hands-off", Uber's approach to its drivers cannot be characterized as aloof. In Finland and Sweden, Uber is engaged in helping its drivers obtain the required licences, even going so far as to letting them lease a car through Uber. Boudreau and Hagiu (2009) argue that platforms function as "private regulators", governing economic activity by determining the criteria for access to and use of the technology, as well as incentivizing and shaping behaviour. Uber determines the fare of a ride through a calculation of real-time fluctuations in supply and demand, thus inhibiting any possibility for drivers to negotiate their wages. However, Uber's algorithmic management or market governance is not limited to price setting, but includes the rating system – a behaviour control instrument, sanctioning both drivers and passengers who receive low ratings, potentially with "deactivation" – and automatic trip assignment, allocating passengers' requests to drivers. This type of market regulation substitutes governmental quality regulations with a privately owned and controlled form of governance. The deregulation of the Nordic taxi market thus does not necessarily entail a less-regulated market, but a transfer of regulatory power from the governments to the transportation platforms (see Oppedgaard, 2018).

### 3.3.2 The consumer coalition and the neglect of workers' interests

While consumers have always been important for commercial companies, Rahman and Thelen (2019: 180) argue that the platforms have “proved to be extraordinarily adept in leveraging their loyal consumer base into an active public narrative and political advocacy strategy in order to secure legislative and legal support.” In the Nordic countries, Uber was successful in exploiting consumers' support in advocating for the legitimacy of its business model. By emphasizing how its business model favours consumers, primarily by comparing their fares to those of traditional taxi companies, Uber has been able to present itself as a societal good. In all the Nordic countries, consumers' interests have been cited as key reasons for deregulating the taxi markets, with lower fares, better service and digital solutions as notable examples. In practice, Uber's massive supply of venture capital has enabled the company to subsidize the fares, getting the passengers on board with its business model and forging a potent consumer–company coalition against “old fashioned” regulations (Rahman & Thelen, 2019; Thelen, 2018). Towards the goal of satisfying customers, another vital strategy is ensuring that there are drivers available to pick up passengers – at any time and in any place. The company thus “floods the circuit” (Bloodworth, 2018: 233), putting more drivers on the road than what is necessary to equilibrate the demand. Overpopulating the supply-side necessitates a large pool of drivers, for whom Uber's strategy of “flooding the circuit” creates a significant amount of time spent waiting. As the Uber drivers are primarily paid on commission, their idle time is not a problem for the company; the drivers, however, pay the price of too-low demand.

While the platform model raises specific issues concerning workers' rights, working environment and pay, these have not been prominent themes in the political processes towards taxi market deregulation. The national taxi associations, which organize the licence holders, have voiced the industry response,<sup>13</sup> but the proponents have dismissed their arguments as an effort to limit competition. There have been no significant efforts towards organizing Uber drivers, partly due to the illegality of the company's operations pre-deregulation and partly due to the difficulties in organizing this group of workers (Oppegaard et al., 2019). In addition, the taxi drivers' working conditions pre-Uber deregulations were also problematic, with low and unpredictable wages and long working hours (Jensen et al., 2014).

Thelen (2018: 945) remarks that the politics of Uber in the United States can primarily be characterized as a legal battle carried out in courts. In the United States, as well as in the United Kingdom, drivers have brought misclassification issues to court – an action we have not yet seen in any Nordic country. While the court decisions have gone both ways in the United States (Prassl, 2018b), no federal rulings have been taken with prejudice. Fuelled by its massive venture capital reservoirs, Uber's strategy is to appeal every decision arguing that the drivers are Uber's employees rather than independent contractors. In 2018, Uber lost its appeal of a 2016 ruling in the UK employment tribunal, but the company appealed again, this time to the Supreme Court. Although no misclassification cases have been brought to court in the Nordic countries, the courts have nevertheless played a significant role in Uber's Nordic adventures in clarifying the licence requirements and the illegality of Uber Pop in all the countries.

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13. The unionization rate among taxi *drivers* is very low (Jensen et al., 2014).

### 3.3.3 Political will

In the United States, there has been bipartisan support for Uber. Republicans embrace the company as an agent promoting the free market, while Democrats, catering to their urban and "millennial" voter base, support Uber as a "progressive" and "innovative" phenomenon. While American trade unions have been critical of Uber, they lack the influence to be a decisive voice in the politics of Uber in the United States (Thelen, 2018). In the Nordics, too, there has been relatively broad political support for Uber – primarily, however, as a means of fixing the 'market failures' in the taxi industry. While the Nordic countries are traditionally seen as the social democratic stronghold *par excellence*, the recent taxi deregulations illustrate an approach that is more receptive than previously to using market mechanisms to regulate industries of public importance.

While there are important institutional differences between the Nordic countries (Andersen et al., 2014), a fundamental factor in understanding Uber's trajectory in the Nordic taxi market deregulations is political will. In all the countries, a deregulation bill received sufficient support in parliament. In Denmark, as we saw above, the deregulation of taxi licence restrictions was passed, while not enough votes were gathered to remove the vehicle equipment criteria. In Denmark, there was thus political will *against* adjusting the taxi market regulation to Uber's business model. Consequently, Uber discontinued its taxi service operations in the country. Finland, on the other hand, is the Nordic country where Uber's entrance provoked the fastest and most radical deregulation, effectively creating a taxi market fully adjusted to Uber's model. The Norwegian deregulation will be implemented on 1 July 2020, as the result of a political process that began with the (2017) "Sharing Economy" report (NOU 2017:4), buttressed by dissatisfaction with the "efficiency" of the taxi market (i.e. the taxi fares). In this context, Sweden's early deregulation makes it the odd man out. Nevertheless, the current government's commitment to facilitating "innovation" in the transportation sector resulted in the establishment of a "new category of taxis" – "car-pooling" – exempted from the taximeter requirements, to be completely implemented from 1 January 2021.

### 3.3.4 Conclusion

In all the Nordic countries, Uber's entrance induced amendments to the countries' taxi regulation. Combined with a *political will* to deregulate the industry, the transportation platform's regulatory entrepreneurship resulted in the removal of means testing and numerical restrictions on taxi licences in Denmark, Finland and Norway, while the Swedish sector was deregulated in 1990. Although the entry barriers to the Nordic taxi markets provided Uber with difficulties when entering the markets, particularly in the form of legal prosecution of drivers, private hire vehicle licences in Finland and Norway enabled Uber to continue operating after Uber Pop was discontinued. In both these countries, however, a process of deregulation was prompted by Uber's arrival – in Finland, implemented in July 2018, and in Norway, in July 2020. In Denmark, the deregulation of taxi licences was not enough for Uber to remain, as the new Danish regulation still required taxis to be equipped with taximeters, seat sensors and video surveillance. Although already deregulated, the Swedish taxi market regulations will be further deregulated due to Uber's entrance

in the country, through the creation of a new category of passenger transportation, 'car-pooling', exempted from the taximeter requirement. Hence, the restrictions on taxi licences should not be seen as the biggest obstacle faced by Uber in the Nordics, as, first, the company was able to use other licences; and, second, numerical limitations was relatively easily removed in all countries, and did not necessarily result in a proliferation of Uber-style taxi arrangements.

Even though all the taxi markets were deregulated, post-Uber regulation in Denmark, Finland, Norway and Sweden still requires taxi operators to obtain a taxi licence. Obtaining taxi licences has (or will) become easier, indicating a de-professionalization of the taxi industry. However, the maintenance of the taxi licence requirement also suggests, in a sense, a professionalization of Uber driving. Uber drivers will still have to apply for both taxi licence and professional licence, and fulfil the criteria, although they are minimal. In addition, Uber drivers must fulfil the company's own criteria for becoming an Uber driver. This transfer of regulatory authority from governments to the platform is an important aspect of the deregulation of the Nordic taxi markets. While governments will no longer control the supply of taxis nor the fares, Uber's platform determines the price of a ride and thus the drivers' wages, and enables the rating and potential "deactivation" – i.e. firing – of drivers. The new taxi market regulations' hands-off approach thus allows Uber and other platforms to dictate drivers' working conditions, to a greater extent.

### **3.4 Working as an Uber driver in Oslo and Helsinki**

In this chapter, we explore working conditions of Uber drivers in Oslo and Helsinki (post-deregulation) and their attitudes towards the work. The company offers different services in the two countries, and while the informants in Helsinki drive for Uber X, the informants in Oslo work for Uber Black. Uber X in Finland allows licensed drivers to drive for Uber using their private car. Uber does not employ these drivers, but considers them independent contractors. In Oslo, Uber Black is organized through limousine companies that own relatively luxurious cars. These cars are licensed with a limousine service operator licence. In contrast to their colleagues working through other Uber services, the Uber Black drivers in Oslo are employees – not, however, of Uber directly, but of the limousine companies functioning as intermediaries between Uber and the drivers.

While the Finnish case is based on three in-depth interviews with Uber X drivers and one interview with a representative of the Estonian taxi platform Bolt (formerly Taxify), conducted in the spring of 2019, the Norwegian case is based on 21 short interviews with 20 Uber Black drivers in Oslo, conducted between March 2018 and June 2018.<sup>14</sup> The two cases differ in the service studied, the local taxi market regulation, and the stories the Uber drivers tell, which illustrates the importance of context for understanding a company such as Uber. While the narrative presented by the Uber drivers in Helsinki is that driving for Uber is a good way to earn income while also driving for other taxi companies, the Oslo-based Uber Black drivers paint a grimmer picture.

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14. The section on Uber drivers in Oslo is based on Oppegaard's master's thesis (Oppegaard, 2018).

### 3.4.1 Working as an Uber X driver in Helsinki: the story of an Uber driver

In the following, we study the case of Uber in Helsinki, Finland and explore the working conditions and work attitudes of Uber drivers in Finland. First, we tell “the story of an Uber driver” by concentrating mostly on our interview with Driver 1. We use it as a “core story” and then enrich it by comparing it with other driver interviews, referred to as “Driver 2” and “Driver 3”. In the following, we describe the process of becoming an Uber driver in Finland, their working conditions and their understanding of their own work as Uber drivers. The analysis is based on three in-depth interviews with Uber X drivers, as well as one interview with a representative of the taxi platform Bolt. The informants were recruited using the snowball method: i.e. at the end of each interview, we asked about other drivers who might be willing to be interviewed. The informants were all Finnish, middle-aged and male, and quite representative of Finnish taxi drivers.

#### Becoming an Uber X driver

Driver 1 became an Uber driver shortly after the company re-launched in Finland in July 2018. His motivation for driving for Uber was that he needed a part-time job. He drives relatively little, only two or three days per week. The other drivers had other motivations: Driver 2 was between jobs when he decided to work for Uber, having worked in the IT sector and now studying for another occupation. He had always been fond of driving and being an Uber driver is a good way for him to be able to drive and earn money at the same time. Driver 3 had been a taxi driver for years and, for him, Uber (and other taxi platforms) represents an opportunity to increase his income. Drivers 2 and 3 joined Uber in 2014, when Uber was first launched in Finland.

When deciding to drive for Uber, Driver 1 visited the company's office in Helsinki to get information about all the licences and certificates needed. Uber's website also provides instructions on what documents and licences new drivers need and where they can be obtained. These include a driver's licence, taxi drivers licence, taxi operating licence, the vehicle registration extract and a bank account in Finland (Uber 2019). The drivers must also have a business of their own, as Uber considers them independent contractors who sell their services through the Uber platform, rather than employees. In addition, the drivers must create a driver profile online, including, for example, a photograph of themselves and their language skills. Finally, drivers must activate their account in the Uber app when starting to drive (Uber, 2019). Overall, Driver 1 found it very easy to start driving for Uber: “It was ridiculously easy. Practically, you could do all this on the Internet. [...] But I went to see the Uber people there, to see who worked there”.

With the new taxi regulation, the test to obtain a taxi drivers licence can only be taken in Finnish or Swedish. Poor language skills make it very difficult – if not impossible – to pass this test. According to the informants, this aspect prevents most immigrants from obtaining this license. In this sense, Finland differs from many countries in which driving a taxi is an entry-level job for immigrants, as the strict language requirement now excludes immigrants with poor language skills from the taxi market. There have been some attempts to solve this issue: In the spring of 2019, Uber and the Helsinki Skills Centre (a municipal organization) co-launched a taxi driver training for unemployed immigrants. This free training lasts from two to six months and includes language studies (Helsingin Sanomat, 2019; Stadin osaamiskeskus, 2019).

Before starting as an Uber driver, there is a mandatory information session at the Uber office, for which one can book a date online (Uber, 2019). Prospective drivers also have the opportunity to meet with people from Uber and get help when needed. Driver 1 values this aspect:

"Well, Uber has an office where you can always solve things, and the drivers can also contact Uber via the application if there are any problems. We also have a small group of drivers – we have a chat group of 12 drivers.... We chat and sometimes also meet."

According to Driver 1, the Uber office also helps the drivers if they have problems with customers or with the application. Thus, the office is an important resource for the drivers. The other drivers we interviewed also value having this community of drivers (especially the group chats). Driving a taxi can be lonely work, and in the platform economy, drivers are physically separate from one another and from Uber. Hence, their contact with other drivers and the Uber office is highly valued.

However, although Uber drivers have this community, it is primarily used for social purposes and peer support, not for collective action or for discussing work-related issues. Driver 1 was aware of the food deliverers' attempts to improve their working conditions, but comments that "among Uber drivers, there is no such rebellious spirit". The biggest complaints among drivers is the high commission taken by Uber for each ride, but, according to our interviewees, there has been no initiative for collective action among Uber drivers in Finland.

#### Driving for Uber – a business opportunity?

Driver 1 has a strong entrepreneurial orientation, and sees himself as an entrepreneur. He does not find it problematic that he is not an employee of Uber, but rather an entrepreneur with personal risk. At the heart of this entrepreneurship, for him, seems to be the freedom to choose driving as their work, and the freedom to choose where, when, and what kinds of cars they drive. Driving for Uber (or other companies) seems to be an independent choice for our informants and they even feel proud of their status as an "independent" driver. Driver 1 sees driving a taxi for Uber and other companies as "just another" form of business that involves taking care of taxes and the like – "just like a normal business". The other informants also highlight their entrepreneurial orientation to their work. As they explain, the entrepreneur status feels natural because, to them, the situation is no different from driving a "traditional" taxi:

"Personally, for me, there is nothing unclear, I could not imagine that a platform company would be my employer – thus, [in a traditional taxi service], a driver may have a 'subcontractor' and be his or her employer, but either way in that case the taxi dispatch central is not the employer." (Driver 2)

Driver 2 thus sees Uber as an actor providing the system, the platform and the application to secure customers and organize payment, while the drivers take care of their duties.

Driver 1 does not see the entrepreneurship as a burden. On the contrary, he says it enables freedom, and that he can "drive just when he wants to". He also says that he drives relatively little, but knows many who drive full-time. According to him, there are no sanctions for refusing a ride, and drivers may take a break if they want. The two other interviewees also highlight the freedom of driving for platform companies:

They can drive whenever they want and as much or as little as they want. Driver 3 argues that "traditional taxis have to wait at the station, while I have as many customers as I can take. You just have to know where the customers are and when there are lot of customers on the move." Thus, the drivers perceived the app to be more enabling than controlling.

Some of the drivers for platform taxi companies drive for multiple companies and have multiple apps open while on duty, which gives them the opportunity to choose which company to drive for at any given time. At one point, Driver 1 was driving for four companies, including a "traditional" taxi:

"When I'm driving, I had a tablet with a divided screen, and there was an Uber app and a Bolt app open at the same time, and then I had the Yango app on my phone. And when I still had a taxi sign on the roof of the car, I could also take customers from the taxi pole."

The representative from Bolt also confirms that many are driving for multiple companies. He says that the companies are aware that drivers are not loyal to them, but instead see it as "a fair game, as the drivers are entrepreneurs who want to make a living". Indeed, the motivation to drive for multiple companies is to maximize their income. When a driver uses multiple apps, there are more ride requests from which to choose – the drivers thus have customers most of the time and the car is in use all of the time. As the representative from Bolt phrases it: "In this business, the most unprofitable situation is when the car is standing still or driving without customers."

Thus, the informants enact their entrepreneurial freedom in at least three ways: First, they have chosen to drive a taxi for a living, seemingly despite having other options; second, they choose when and how much they drive; and third, they choose the companies or platforms for whom they drive.

#### Business opportunity with low income

Although driving for Uber is seen as a business opportunity, Driver 1 complains about the payment system and low income. Uber takes a commission of 25% of each ride, and the interviewees feel that this is too high. Driver 1 illustrates this in the following quote:

"It is greedy [by Uber] to take such a high commission. There was a survey by Uber recently, and there was a question asking if Uber is greedy, and I picked 'Yes' – there are also other firms which take 10% commission – and before, when Uber was illegal, the commission was 20%."

Driver 1's solution to earning as much as possible from driving is to have relatively low personal expenses and an inexpensive car, which he repairs himself. Driver 2 says he started driving for Uber and other companies with an old, inexpensive car, because "it is impossible to pay for an expensive car with these rates."

However, one of the interviewees, Driver 3, argues that he earns more money now as an Uber driver compared to his time as a traditional taxi driver. He adds that, to get more customers, the driver must know when and where the customers are, and to plan their work hours and routes accordingly. This might imply driving during unsocial hours, when other people are off work – such as in the evenings, at night and on the weekends. The drivers cannot negotiate on rates or commissions with Uber, but one way to increase income is to complete as many rides as possible in one week, to earn



a bonus:

"... for example, now we have a bonus system, and after you have driven 40 rides [within a week], the commission drops to 3%, when it is normally 25, which is a really high percentage in my opinion." (Driver 3)

This system seems to encourage drivers to take more rides and thus work more hours per week, because the commission returns to 25% at the beginning of the following week. It also motivates drivers to drive more for Uber and less for other taxi companies, if they are driving for multiple companies. This system therefore has certain lock-in effects that tie the drivers to the Uber app. For Uber, this seems to be one way of competing for drivers. Although the drivers emphasize their freedom and entrepreneurialism, Uber's system encourages drivers to be loyal to Uber and to plan their driving around decreasing Uber's commission. Nevertheless, they do not perceive themselves as being managed by an algorithm, but rather as using the system to their benefit. For example, Driver 1 describes how the drivers develop strategies to benefit from the system:

"I have some friends who drive for Uber, and they drive, let's say, from Monday to Thursday they drive at least 40 rides, and from Friday to Sunday, when there are the most customers, then they drive with that lower, 3% commission."

Some competitors of Uber, like Bolt and Yango, take 10% commission. However, the level of commission is not the only issue influencing drivers' choice of company. The functionality of the payment system – and the insecurity of payment – matters, as well:

"I have driven for both Bolt and Yango. In those, there are also some problems, which I don't like: The customers may pay by cash. [...] And if the customer has chosen to pay by cash, and then does not arrive at the pick-up station at all, the driver gets nothing. [...] When driving for Uber – if the customer does not show – you get at least the minimum payment." (Driver 1)

As there is a severe shortage of drivers, not only in Helsinki but across Finland, the taxi firms compete for drivers, and must therefore develop ways to increase drivers' loyalty. The representative from Bolt describes how the platform companies' differ in this respect from traditional taxi companies:

"There is a competition for drivers between both traditional and these new [platform] firms. Traditional firms tend to bind the drivers to the firm with deals, and we [Bolt] and other new firms have a principle that we don't demand any minimum hours or that you have to drive a certain amount, so you can just open the app for like, one hour, drive a couple of rides and go back to your main work. And therefore the competition is so hard, because there are many firms who compete for [these same] drivers."

Thus, while the competition allows the drivers to choose which companies they drive for and when, the payment system and the reduced commission rate for the Uber-drivers have lock-in effects and make it more profitable to drive in unsocial hours.

#### Discussion

The above examples of Uber drivers in Helsinki provides insight into how people enter into the platform taxi business and how they view the working conditions and pay.

As the analysis is based on only three interviews, it is not meant to be representative of all Uber drivers in Helsinki. However, it does reveal some interesting viewpoints on how it is to work in the platform taxi business in Finland: These include the low threshold of entry and strong entrepreneurial orientation among the drivers. Overall, the drivers seem satisfied with Uber, except for the low pay – around which there have been no attempts at collective action. Their solution for increasing income is to drive more and to develop other strategies to earn more. In this sense, the Uber drivers in Finland can be seen as what Cutolo and Kenney (2019) term “platform-dependent entrepreneurs”: that is, entrepreneurs whose business is dependent on and determined by the platform through which they market and provide their services. The concept of platform-dependent entrepreneurs highlights the asymmetries of power between the entrepreneurs and the platform, but maintains the particular entrepreneurial orientation expressed by the Helsinki Uber drivers.

As mentioned above, the Finnish drivers interviewed in this study highlight their entrepreneurial orientation. This mentality – unsurprisingly – is similar to that of Finnish taxi drivers, more generally: Union density has traditionally been low, and individualistic and entrepreneurial values high. While the international discussion regarding the contractual status of Uber drivers has been raised in Finland (Leighton, 2016), the drivers interviewed do not view their status as solo self-employed as problematic, nor do they see Uber as their employer. This could be explained by the fact that they do not drive full-time for Uber but have other sources of income, as they drive for multiple taxi companies.

### 3.4.2 Working as an Uber Black driver in Oslo

In this section, we study the case of working as an Uber Black driver in Oslo. The analysis is based on 21 short interviews with 20 Uber Black drivers in Oslo, conducted from March 2018 to June 2018. First, we explore some characteristics of the company's business model and market strategy in Oslo. We then give a brief description of the Uber drivers in Oslo before exploring Uber's algorithmic management – i.e. the way in which the platform is used to organize the market and control the drivers' labour process – as well as its components and consequences for the drivers.

#### Uber Black in Oslo

While Uber Pop was discontinued in Oslo in 2017, Uber Black has been able to operate with no significant obstacles in Norway. The Uber Black cars are licensed with a limousine service operator licence (*selskapsvognløyve*), a licence for passenger transportation obtainable for companies operating in the high-end segment of the Norwegian transportation market.<sup>15</sup> In contrast to Uber X and Uber Pop, the cars used for Uber Black in Oslo are not owned by the drivers themselves, but by limousine companies, which also employ the drivers. The limousine companies thus function as intermediaries between Uber and the drivers. As they are formally employed by the limousine companies, some Uber Black drivers also serve customers booking rides directly through the limousine company.

The Uber Black drivers are employed on atypical contracts. Most drivers are hired on

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15. There are 90 such licenses in Oslo, issued by the municipality to companies whose cars satisfy the “exclusivity” criteria: The cars must be no more than four years old, be ‘perceived as luxurious and well-equipped’ – significantly more exclusive than regular taxis – and be in immaculate condition (Oslo Municipality, 2018).

a temporary contract and usually have no guaranteed income, but are paid on commission for each ride. Although this is an unusual type of contract, its legality is not assessed in this chapter. Uber takes 25% of the fare of each ride, while the limousine companies take between 30 and 40%, leaving the drivers with 35 to 45% of the fare paid by their passengers. A few drivers receive a fixed hourly wage of around NOK 150 (EUR 15), which is low in a Norwegian context. A third form of employment for Uber Black drivers is as a "partner", meaning that the drivers are self-employed and share their profits with the limousine company owning the car. These drivers pay their own fuel, toll charges, insurance and VAT (25%) on their earnings, given that they make more than NOK 50,000 per year (EUR 5,000). The drivers hired on all these types of contracts report being unable to negotiate their terms. In contrast to their self-employed Uber X and Uber Pop colleagues, the majority of the Uber Black drivers in Oslo do have an employment relationship with the limousine companies and thus enjoy some degree of social protection, but their remuneration is lower. In general, the Uber Black drivers' working conditions resemble those of traditional taxi drivers: They, too, are usually paid on commission, work long hours and earn relatively little (Jensen, Jordfald & Bråten, 2014).

While it is possible to drive part-time, driving for Uber Black is a full-time job for most of the drivers interviewed. The limousine companies grant them access to a car for 12 hours per day, six days per week. Each day is organized into two shifts, one day-shift starting at five AM and one night-shift starting at five PM. The drivers change shifts every second week. Within the 12 hours allocated to each driver, the drivers can choose their own hours. Very few, however, work fewer than ten hours per day. In total, most drivers interviewed report that they worked over 200 hours per month, some up to 300 – much higher than the normal 40-hour work week stipulated by the Working Environment Act (2005: § 10–4). Many hours on the road does not necessarily translate into many customers served, however, as the Uber Black market in Oslo is characterized by low and uneven demand. The drivers thus often wait for hours between each request without being paid. The hours with the highest demand are Friday and Saturday evenings and at night; compared to the day shift on weekdays, these hours can be relatively lucrative.

The Uber Black drivers' earnings vary significantly, both between individual drivers and months, depending on the rate of direct bookings, demand and number of hours worked. Some drivers report that they usually earn between NOK 30,000 and 40,000 before taxes (EUR 3,000–4,000), well below the 2018 average monthly Norwegian wage of NOK 45,500 (EUR 4,550) (Statistics Norway, 2018), while others earn significantly less, as low as NOK 18,000 (EUR 1,800) for a 250-hour month. Although some drivers express resignation towards their unpredictable earnings, other drivers report becoming increasingly frustrated, as their only available strategy for expanding earnings is to work longer hours. While the tax authorities found that a significant proportion of the Uber Pop drivers did not pay the required taxes (Alsos et al., 2017: 63), the prevalence of tax evasion among Uber Black drivers is unknown. As the limousine companies employ the Uber Black drivers, it is more difficult for them not to pay taxes compared to the self-employed Uber Pop drivers.

The Oslo manifestation of Uber's business model embodies several of the core characteristics of other Uber services. An essential strategy is to avoid employer responsibilities (Prassl, 2018b), and while other regulatory regimes allow Uber to engage drivers as self-employed, the restrictions on taxi licences in Norway made it necessary to use limousine companies as an intermediary. A second strategy is not

to own any assets – indeed, Uber has been described (Goodwin, 2015) as the world's largest taxi company without any vehicles or employees. Again, the use of limousine companies supplying cars to Uber Black in Oslo differentiates it from the 'traditional' Uber arrangements within which the drivers themselves provide the vehicles. Still, Uber manages to limit its responsibilities and risks by basing their operation on the fixed capital of others.

#### Who are the Uber Black drivers?

The "ideal typical" Uber Black driver in Oslo can be ascribed with three characteristics. First, aside from a small group of native Norwegian drivers that have worked in the limousine business for many years, Uber Black drivers are primarily of an ethnic minority background, most having migrated to Norway relatively recently. Second, these drivers usually came to Uber from low-paid and physically demanding jobs, often struggling to obtain permanent employment. Many had been employed through temporary work agencies in manufacturing and construction or the service sector, while others migrated to Uber Black after Uber Pop was discontinued. Although able-bodied and often with educational credentials, they suffered "ethnic penalties" (Midtbøen, 2015) that prevented them from capitalizing on their skills in the Norwegian labour market. In Norway, there are relatively few jobs available for workers with little knowledge of the Norwegian language – the taxi industry, in particular, is a notable exception (Brox, 2016). Third, the drivers perceive Uber as an opportunity to work more flexible hours in comfortable working conditions. Sitting inside luxurious cars driving passengers, they argue, is better than working in construction (Oppegaard, 2018).

According to Alsos et al. (2017: 55–57), there were 1298 Uber Pop drivers in Oslo in 2016, of whom a majority had names indicating ethnic minority status. Large proportions of immigrants working as Uber drivers are also found in other countries, as well as working through other platforms (Rosenblat, 2018; Veen et al., 2019). Contrary to the romanticized image of freedom and flexibility curated by Uber (Rosenblat & Stark, 2016), becoming an Uber Black driver in Oslo is a choice driven by necessity. As one of the drivers states, "I just needed a job. I have lived in Norway for six years and I have sent maybe three job applications every month since I came, and this is the job I got." It is, however, important to keep in mind that the traditional taxi industry recruits labour from the same segment of the labour market as Uber (see Jensen et al., 2014).

#### Algorithmic management

In general, Uber formally allows the drivers to choose how much they want to work, but this arrangement necessitates a form of control that ensures that the drivers provide their labour when and where they are needed. Uber's platform has been characterized as a form of "algorithmic management" (Lee et al., 2015), a digital infrastructure that regulates the labour process and the rules drivers must follow (Zysman & Kenney, 2018). This is an example of an automation of the employer function, where decisions concerning the labour supply and control are performed through, or even by, the digital infrastructure of the platform (Jesnes, 2017). The three following techniques enable Uber to organize the drivers' labour process: the rating system, dynamic pricing and algorithmic task assignment (Lee et al., 2015; Oppegaard, 2018). These techniques guide the drivers through the process of delivering rides, making the operation function independently of the workers' skills and knowledge, and rendering them easily interchangeable. In the following, we

discuss the function of Uber's algorithmic management and how these techniques are experienced by the Uber Black drivers in Oslo.

**The rating system:** Uber's rating system allows drivers and passengers to rate each other, from one to five stars after each ride. Drivers consistently receiving "low" ratings (below an undisclosed threshold) may be deactivated by Uber (Uber, n.d.-d), but the norm – for drivers and passengers alike – is to give five stars. For most Uber Black drivers in Oslo, it is not difficult to maintain high ratings, usually 4.8 or 4.9 stars on average, and the drivers state that they receive requests independently of their rating. On the other hand, the norm of receiving five-star ratings makes any deviation from this a stressful and frustrating experience (Chan, 2019). According to the Uber Black drivers interviewed, the possibility of being "deactivated" also makes them particularly tolerant towards passengers' behaviour, as the passengers' evaluation of the drivers is the sole measure of the quality of the service provided. According to Hotvedt (2016), the rating system and potential "deactivation" of drivers is one of the factors indicating that the Uber Pop drivers' contracts may entail an employer–employee relationship if tried in court. In the case of Uber Black, on the other hand, where the drivers are classified as employees in the limousine companies, it is not certain that "deactivating" – or firing – drivers based on low average ratings would be considered a factual reason for dismissal.

**Dynamic pricing:** Uber's dynamic pricing scheme, referred to as "surge pricing", sets higher fares in specific areas during periods when the demand for rides is high, multiplying the fare by 1.2, 1.7, 2.2 et cetera, to "motivate" drivers to supply their labour power when and where their services are in demand (Chen et al., 2017). For the drivers, surges represent a welcome opportunity to increase their otherwise low earnings, but they feel the mechanisms driving the price increase are somewhat mysterious. Surges are relatively rare for Uber Black in Oslo, and primarily come into effect on weekend nights. Furthermore, the dynamic pricing system determines the drivers' earnings, rendering wage negotiations – a core principle of the Nordic models – impossible (Dølvik & Jesnes 2018).

**Algorithmic task assignment:** Uber's platform assigns passengers' ride requests to the drivers, who have 30 seconds to accept or decline. Declining a request is a foreign concept to most Uber Black drivers in Oslo, as they are paid on commission and dependent on serving as many customers as possible to earn a still less-than-decent living. When they receive a request, the Uber drivers are provided with information about the passengers' location, name and average rating. While the drivers are informed if the trip is estimated to be longer than 30 minutes, they cannot see the passengers' destinations. According to the drivers, this can make it difficult to plan their workday: If they have a direct booking through the limousine company at a specific time, they must stop accepting requests from Uber passengers one hour before, to ensure that they can accommodate the direct booking. Furthermore, the combination of algorithmic task assignment and concealment of passengers' destinations can be seen as a technique employed by Uber to ensure that drivers do not choose only the lucrative trips, but serve all passengers – even those seeking short (and thus not profitable) rides. In addition, the algorithmic task assignment isolates the drivers from each other: Each driver works alone, inside the car, waiting for requests from passengers. None of the drivers interviewed are unionized, nor did they mention any move towards collective action. One of the reasons may be the drivers' isolation: They very seldom meet each other and are thus unable to discuss work-related issues and share their

frustrations.

### Discussion

Although Uber Black drivers in Oslo drive exclusive cars and are employed by limousine companies, their employment relationship is atypical and their working conditions and pay are far from luxurious. The drivers are primarily paid on commission, with unstable and insecure earnings. They work long hours and are recruited from a segment of the Norwegian labour market with scant opportunities for decent employment. The combination of the formal and technological organization of the drivers' labour process allows Uber to gain control over the workers and renders them interchangeable. As a central feature of Uber's general strategy for organizing the drivers' labour process—illustrated with the case of Uber Black in Oslo—the piece-rate-based payment system, bilateral rating system, "deactivation" policy, calculation of "surges" and algorithmic task assignment radically reduce Uber's cost of engaging drivers. In such a system, the workers need no training and the risk of low demand is transferred onto the drivers, making it inexpensive for Uber to "flood the circuit" and ensure that passengers receive a car as rapidly as possible. Furthermore, as they can be exchanged without any significant cost to Uber, the drivers' bargaining position vis-à-vis the company is weak. However, as this analysis is based on 21 short interviews, there may be aspects of their employment and labour process not covered by this empirical material.

#### 3.4.3 Comparing Uber drivers in Helsinki and Oslo

There are important differences between the stories told by the Uber drivers in Helsinki and in Oslo. While the Uber X drivers in Helsinki are quite satisfied with the company, the drivers in Oslo are not, and seem to experience poor working conditions and low pay. The reasons for these differences are manifold. First, the drivers work for different Uber services and they have a different status – in Helsinki, the drivers are solo self-employed through Uber X, while in Oslo they are employees of limousine companies, providing their services through Uber Black. Second, the informants recruited are in different socio-economic situations. While the drivers in Oslo are dependent on their income from Uber, the drivers in Helsinki seem to be better off economically and the income from Uber supplements income from other taxi companies. They also appear to have other job options, which might be due to labour market differences in this segment in Oslo and Helsinki, and to the differences in taxi market regulation. The new regulations in Finland introduced language requirements for Uber drivers, which means that the most precarious workers – immigrants with poor language skills – are excluded from this market. The Norwegian deregulation of the taxi market also includes a language requirement, which also may lead to changes in the demographics of the Oslo drivers, excluding those who are perhaps in the most precarious situation. Nevertheless, the Uber model, in both countries, to dictate the drivers' working conditions and pay.

### 3.5 Conclusion

In this chapter, we have seen that Uber has been a driver of taxi market deregulation in all the Nordic countries. In Denmark, Finland and Norway alike, Uber's entry was

the causative factor for a process that removed the numerical restrictions on taxi licences, the core instrument in the previous regulations of this industry. In Sweden, too, where the taxi market was deregulated in 1990, we have seen that Uber contributed to the establishment of a new category of taxi transportation exempt from the taximeter requirement. As Uber's platform is an instrument for determining important characteristics of its market, the combination of taxi market deregulation and Uber's control indicates a transfer of regulatory capacity from governments to private companies. In Finland, the new taxi regulation has contributed to a price increase and a centralization of taxi services to the largest cities.

While Uber initially met regulatory obstacles in the Nordic countries, these were not grounded in labour law or the drivers' poor working conditions, but in the licence and taximeter requirements of the prior Nordic taxi market regulations. As our case studies of Uber drivers in Helsinki and Oslo illustrate, however, many Uber drivers are constrained to working long hours for low pay under precarious conditions, and are possibly in need of a better regulatory framework ensuring decent standards of work. On the other hand, the case studies also illustrate that being an Uber driver can be a very different experience, depending on the context within which one works. The Uber Black drivers in Oslo are recruited from a segment of the population with few other opportunities in the labour market and often must wait hours between each request. In Helsinki, the drivers primarily seem to be individuals who previously drove exclusively for traditional taxi companies but now have access to a larger variety of platforms through which they can receive requests; or individuals who drive part-time in addition to their studies or another job. Nevertheless, all drivers, in Helsinki as well as Oslo, feel they earn less than what they deserve.

# Chapter 4. High-skilled platform work in Finland and Sweden – the case of technical translators

By: Bertil Rolandsson (University of Gothenburg), Antti Saloniemi (Tampere University) and Tiina Saari (Tampere University).

## 4.1 Introduction

In line with previous research, this report primarily emphasizes platforms with an impact on different segments of low-skilled work, such as the transport, cleaning and food delivery industries (see Parker, Alstyne & Choudary, 2016; Howcroft & Bergwall-Kåreborn, 2019). In this chapter, we broaden our scope and look at platforms mediating qualified work. More precisely, we explore the trajectories of the translation industry in Finland and Sweden, and the conditions that technical translators<sup>16</sup> must manage in their work. The analysis shows how this aspect of the translation industry<sup>17</sup> draws on a platform logic that is reminiscent of the other chapters on low-skilled platform work.

Translators have seen an extensive technological shift since the turn of the century. In addition, globalization has heightened the importance of translation work, broadened the spectrum of languages needed, and increased the volume of texts requiring translation (not least within the realm of software and technical translation). Today, global companies such as SDL, Lionbridge and Semantix are providing technical translation, leaning on a workforce with a university degree in professional linguistics. The companies are applying triangular business models – functioning as a mediator between the translator and the customer – and algorithmic management, partially resembling digital platforms like Uber, Hilfr and Foodora. Technical translation has also shifted from being an in-house function to becoming an outsourced cost. Consequently, translators who used to be employees are today setting up their own businesses as self-employed (Mossop, 2006; Moorkens, 2017).

In the remainder of the chapter, we explore how technical translators in a Nordic context manage the changes described above. The analysis draws on interviews with 16 informants working in one translation company in Sweden or Finland, and four representatives from relevant social partners.<sup>18</sup> The professional experience of the translators in both countries ranges from six to 25 years, and all hold university degrees related to their profession. Some also engage in other forms of work demanding linguistic competence, such as interpreting. All the translators

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16. In this text, the term “technical translators” (sometimes also referred to as “professional translators”, for which the Swedish term is *facköversättare* and the Finnish is *asiatekstin kääntäjä*) refers to translators who work with e.g. technical, software, legal and medical translations. Their work is provided by translation firms mediating jobs mostly from large companies or public organizations. Policies, official recommendations and regulations differ from literary translations. Contrary to the emerging field of gig work, which generally comprises an unskilled workforce, these translators usually have a university degree.

17. There are other branches of the translation industry, as well: We note that, for instance, translators conducting literary translations rarely engage with platform companies that make use of this type of digital platform.

18. We interviewed seven translators in Finland, of whom four were female. In Sweden, we interviewed five translators, of whom two were female, and four mid-level managers representing a global translation firm.



interviewed are self-employed and working with a set of different firms. Several are nevertheless dependent on jobs mediated via the platform of the translation company under study (anonymized in this report). None of the translators are unionized, and the firms to which they refer in the interviews rarely have collective agreements.

## **4.2 The triangular arrangement of high-skill platform work – maintaining a link to certified skills**

Technical translation firms conceptualize themselves as mediators between the client and the translator, providing jobs and resources to the translators doing these jobs. The interviewees describe a triangular arrangement that draws on business-to-business relations, and that do not entail direct bonds between the customer and service producers. Translators in this context emerge as linguistically interested entrepreneurs who are nevertheless concerned about the risk of losing control to the platform companies that increasingly organize their work and pay.

The Nordic cases in the translation business display changes that we recognize from previous studies of how platforms shape working conditions for low-skill workers in the platform economy. At the same time, interviewees detail specific traits related to the high-skill characteristics of translation work. First, technical translations via platforms cannot be associated with the performance of micro-tasks: The type of translation tasks described by the interviewees are not broken down into small units. Second, the companies that control these translation platforms require translators who have specific experience and relevant university degrees, and may even demand translators especially suited to the particular task. Hence, it is difficult for the companies to replace these translators with less-skilled, cheaper labour. The companies therefore depend on a reliable selection of skilled or even certified labour, making it pertinent to talk about a *specific type of professional platform work*. In principle, the translator's control over their specific expertise might equip them with more market power than the typical low-skilled, interchangeable crowd worker, but, as indicated below, the vast international supply of skilled translators appears to undermine their negotiating power.

## **4.3 Technical translation – the content of high-skilled platform workers' work**

The translators describe a set of digital technologies that have significantly altered the content of their work, despite its high-skill character. The use of platforms in technical translations, for instance, involves combinations of artificial intelligence, computer-aided translations and digital memories. Machine translation regularly generates first drafts of translations, and the platforms distributing jobs regularly provide self-employed translators with partly locked texts with which they must work in specific digital interfaces (i.e. software provided by the translation firms): Here, the task is to translate predefined text sections rather than full documents. Interviewees representing both translators and management describe how new technologies thus cultivate expectations of a more rational and efficient online work

process, but also how these technologies regularly clash with challenging tasks and quality demands. The translators, in particular, are unsatisfied with this situation, describing how they cannot ensure a certain level of quality when it becomes impossible to make the translations consistent across the entire text.

Companies also try to tackle quality issues by using digital tools and procedures for reviewing the translations to ensure that translators remain aware of quality demands: for instance, by ranking their translations based on number of misspelled words, grammatical mistakes or divergence from a pre-specified vocabulary. The translators, however, point out that these reviews engender stress, particularly when the new technologies (e.g. machine translation) rarely result in less time spent with the texts. While they may not have to engage in the same way with the preliminary drafts of full translations, they nevertheless report needing to work extensively on editing and quality control – and therefore spend as many hours on their translations as they did prior to the introduction of the new technologies. As such, the work still emerges as being knowledge-intensive and time-consuming. The interviewed translators' sense of professional engagement may partly explain why they continue spending such a large number of hours on their translations. Nevertheless, the intense competition on the platforms, combined with the near-requirement that translators immediately accept jobs – without the possibility of negotiating payment or conditions – may indicate that the translation companies have unrealistic expectations concerning what these new technologies might add to the pace of production.

#### **4.3.1 Self-employed translators and their relations to the unions**

In line with other cases of platform work, the triangular platform logic guiding the organization of these professional platforms makes it difficult for the translators to engage in self-organization or collective action; further, it renders it nearly impossible for unions to act as a mobilizing force channelling translators' opinions and concerns vis-à-vis the platform companies. One reason is that the platform companies do not perceive themselves as employers, nor do they provide ordinary work places or websites where the translators may identify each other and organize joint actions. Hence, most translators regard themselves as self-employed or freelancers who must voice their concerns individually. Many are not aware that there are trade unions that offer organization to qualified self-employed, like themselves. Moreover, by being self-employed, the translators simply do not perceive themselves as potential union members.

The unions in both countries recognize this obstacle and have tried to circumvent it by offering different types of support that would be attractive to those making a living as self-employed. As the unions provide health and unemployment insurance in addition to business support, they describe themselves as service-oriented consultancies when they represent themselves to self-employed. In Finland, the unions are also seeking direct cooperation with the translation companies, as evidenced by their organization of joint discussion fora on topics of special interest to all partners (e.g. quality challenges in translation). None of the Swedish unions have instituted similar initiatives, but interviewees representing the Swedish business association for translators (SFÖ) – which engages both companies and self-employed – describe how the unions are discussing the platform translators' concerns.

#### **4.3.2 Working conditions and the daily struggle for influence at work**

As none of the translators interviewed are union members or covered by a collective agreement, they describe how they must resign themselves to the way translation companies exercise influence over prices and work conditions. Even with the education and skills necessary to join the crowd of online translators, the fierce competition on the platforms enables companies to demand that translators either accept job offers without unnecessary negotiations, or leave them to another willing to accept the pay, deadline or other conditions. In practice, it seems, the first translator who accepts an offer distributed via the platforms gets the job.

The translators from Finland emphasize that this type of competition urges them to be entrepreneurial and know the rules on the market, i.e. they must know their own value, and maintain the courage to negotiate their deals. Translators in both Finland and Sweden also describe how they try to enhance their independence by listing themselves as potential subcontractors for various companies. Despite such attempts to strengthen their entrepreneurial autonomy and market power, the translators complain that unsustainable competition on these platforms threatens their health and opportunities to earn a decent income. The Swedish translators underscore that these circumstances cause frustration: Several describe feeling resigned regarding ever being recognized for their work when they consider the emerging conditions for self-employed entrepreneurs. This is exacerbated by the companies constraining opportunities to negotiate price and deadlines by reducing communication between translators and firms.

#### **4.3.3 From in-house translation to platform work – regulative challenges in high-skilled work**

The way the interviewees describe self-employment combined with the pressure on working conditions and pay as the new normal does not necessarily fit with a conventional understanding of work in the Nordic labour market model. Both translators and company representatives argue that technical translators are increasingly acting as entrepreneurs. Technical translators thus also emerge as an occupational group exposed to the same type of regulative gaps that most platform workers encounter (see Parker et al., 2016), having to manage a work situation increasingly shaped by platforms, where translation companies do not consider themselves as employers but as mediators.

Their situation echoes the regulative challenges that most Nordic governments today associate with platform work, as evidenced in Chapter 2 above – for instance, the ones that have urged the Swedish government to tackle concerns about social security, unemployment allowances and other insurance meant to support self-employed exposed to a continuous loss of income (Dir. 2018:8; SOU 2018:49). Some of the translators also highlight pensions as a potential problem, due to an uncertain and variable income. Similar arguments were part of the discussions that emerged in relation to the reform of the Finnish pension law in 2017. Addressing the increased share of solo self-employed in the Finnish labour market, Finnish Parliament decided to widen the access to pensions for self-employed in the so-called entrepreneurs' pension law (Ministry of Economic Affairs and Employment, 2019). The way interviewees from the unions in Sweden and Finland describe the importance of

tackling these regulative challenges further confirms that the translators are struggling with the conditions characterizing platform work in general.

Despite this ongoing transformation of translation work and the uncertainties associated with it, the translators we interviewed emphasize that their work demands education, engagement and continuous development of skills, and that they want to continue working with technical translations regardless of these uncertainties. Professional pride and opportunities to develop their linguistic skills keep them going, and they appear to approach changes in their position (i.e. by becoming self-employed) as something they must cope with in order to be able to translate. One of the Finnish translators, confirming this mind-set, describes the shift from being an in-house employee to a self-employed platform worker as "everything else but the processes going on between my ears", underscoring that he still appreciates the cognitively demanding linguistic work, despite having to struggle with uncertainty in terms of pension, payment and job opportunities.

#### **4.4 Summary – the emergence of occupational tensions in high-skill platform work**

In both Sweden and Finland, technical translators emerge as an occupational group characterized by what we can identify as *professional platform work*. The translators interviewed display pride in their craft by expressing commitment to their tasks and by describing their work as something that demands education and skill. Indeed, the translation companies require university degrees from those who apply to be part of their platform. Even if several informants worry that a future scenario could involve less-expensive, non-educated amateur translators, they also maintain that not just anyone can do their work.

However, the interviewees still describe a variety of concerns, reflecting the impact of a more general triangular platform logic – for instance, pressure from working conditions and pay. In short, these concerns confirm that the regulation of rights and benefits associated with self-employment are essential, especially when dealing with work-related problems that belong to high-skill platform work. Our findings even suggest that the use of digital platforms might otherwise intensify the impact of some of the work-related problems usually handled through contractual arrangement, when it is applied in a context accommodating a qualified workforce. Translators in both Finland and Sweden are, for instance, concerned about the possible erosion of their means, rights and position to negotiate prices and conditions for the performance of time-consuming, knowledge-intensive work.

In line with previous studies on low-skill services (Oppegaard et al., 2019), this study shows how platforms facilitating self-employment for high-skilled groups, like translators, engender problems regarding representation, voice and self-organization of the workforce, and render it highly difficult for trade unions and other interest organizations to respond to translators' concerns (Rasmussen et al., 2019). The translators express distress about eroded rights and benefits, and the risk of becoming dependent on some of the big translation firms. Despite the unions' efforts to reach them, translators from both Finland and Sweden stress that they identify as entrepreneurial or skilled, self-employed translators and that they expect to voice their own concerns rather than engage with the unions.



# Chapter 5. Collective agreements for platforms and workers – two cases from the Nordic countries

By: Anna Ilsøe (Faos) and Kristin Jesnes (Fafo).<sup>19</sup>

## 5.1 Introduction

The platform economy challenges the employment relationship, as the business model is to rely on solo self-employed or workers on atypical contracts as a workforce. In addition, these workers are difficult to organize, and although worker protests in the platform economy are spreading (Joyce et al, 2020), collective agreements in the platform economy are largely unheard of outside of the Nordic countries (Jesnes et al., 2019; Kilhoffer et al., 2017). However, in the spring of 2018, the first company-level agreement in the platform economy was signed in Denmark. The agreement was negotiated by the platform Hilfr, which facilitates cleaning services in private households, and the United Federation of Danish Workers (3F).<sup>20</sup> Several other Nordic platform companies have moved in a similar direction (Jesnes et al., 2019), and in September 2019, food delivery couriers in Norway employed by the German company Foodora signed a collective agreement after a five-week strike.

In this chapter, we take a closer look at these two collective agreement cases in the Nordics: the Hilfr agreement in Denmark and the Foodora agreement in Norway. We explore the Hilfr case first, followed by the Foodora case, and then compare the two processes and outcomes.

## 5.2 The Hilfr agreement in Denmark – regulating platform work

The Hilfr agreement was the first attempt in Denmark to regulate platform work, and in this section, we ask: How, and with what results, did the negotiations take place? The analysis is based on eight qualitative interviews with representatives of the negotiating parties (the trade union and the platform company), three platform workers, employers' organizations, and government officials, supplemented by desk research conducted between 2018 and 2020. Some of the interviews conducted in 2018 were followed up with short update interviews in 2019 and 2020.

In the following, we first introduce the platform company Hilfr, before we describe the negotiations and the collective agreement. Then, we explore the effects of the agreement, and conclude with a summary.

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19. The case study of Hilfr has been written by Anna Ilsøe, and the case study of Foodora by Kristin Jesnes.

20. <https://fho.dk/blog/2018/04/10/historic-agreement-digital-platform-concludes-collective-agreement/>

### 5.2.1 Introducing Hilfr: a labour platform within cleaning

Hilfr is a Danish-owned labour platform founded in 2017, which facilitates cleaning in private households. Today, it operates in all major Danish cities and serves approximately 1,700 customers with 216 active workers. More than 2,000 workers have been registered on the platform since its founding.

Hilfr is only one of several digital platforms that provide cleaning services to private households in Denmark. In fact, a number of start-up cleaning platforms have emerged in the past couple of years. Happy Helper was the first cleaning platform established in Denmark (in early 2016), and was soon followed by Cleady (2016), Hilfr (2017) and a number of other smaller platforms. In 2019, Happy Helper took over Cleady and is now the largest cleaning platform in Denmark, followed by Hilfr.

To many observers, the growth of digital labour platforms in the market for cleaning for private households was no surprise. In Denmark, wage and working conditions in the private cleaning industry is less regulated than in most other industries. The collective bargaining coverage in the sector (with the "Serviceoverenskomsten" as the leading agreement in industrial cleaning) is estimated to be around 40 to 50% and union density around 50% (Larsen et al. 2019). In the part of the industry that provides cleaning services to private households, even fewer employees are covered by collective agreements and only via accession agreements and labour clauses (Mailand & Larsen, 2020), and undeclared work is widespread (Bentsen et al., 2018). Therefore, providing cleaning services to private households was considered an attractive business opportunity by many digital platforms. Several of the platforms have argued that their platform would help whitewash the black market, although this statement has been a source of debate (Ilsøe & Madsen, 2018; Ilsøe & Larsen, 2020).<sup>21</sup>

### 5.2.2 Negotiating the first company agreement between a platform and a union

Like other cleaning platforms in Denmark, Hilfr started by facilitating freelancers, but what made it unique was its decision to top up remuneration by paying a 'welfare supplement' (DKK 20 per hour) as compensation for the lack of social contributions.

In early 2018, Hilfr took the initiative to start negotiations with 3F, which represents workers in the cleaning industry (although not many on Hilfr), with the aim of developing orderly conditions for platform cleaners. For Hilfr, this was a business strategy to differentiate themselves from the other cleaning platforms in the market. Hesitant at first, 3F entered into negotiations with the aim of increasing workers' wages and improving working conditions. For 3F, a contributing factor was that there was no competing specific industry-level agreement for cleaning in private households; this paved the way for innovative negotiations, even if the outcome does not necessarily match the level of wage and working conditions found in most industry-level agreements.

In April 2018, the negotiating parties were able to sign the first company agreement covering a digital platform in Denmark. The agreement, a pilot scheme, came into effect on 1 August 2018, and the parties agreed that it should be evaluated after one

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21. <https://nyheder.tv2.dk/samfund/2016-08-23-nyt-billigt-rengoeringsfirma-deler-vandene-det-gaar-ud-over-serioese-firmaer>

year. The collective agreement introduced a new category of workers (the Super Hilfrs) in parallel with the existing freelance workers (the Freelance Hilfrs) (see table 5.1). The agreement includes a stipulation whereby Hilfrs can choose if they want to be employees or freelancers. As such, Super Hilfrs are workers who opt for the status of employee rather than freelancer and will be covered by the company agreement. After working 100 hours, a worker automatically becomes a Super Hilfr (unless he or she objects, or has already chosen to become a Super Hilfr). Super Hilfrs typically have some cleaning experience through Hilfr or other cleaning companies. They receive a minimum hourly wage of DKK 141 (EUR 19) and accrue rights to pensions, holiday entitlements and sick pay, although at a somewhat lower level than in the collective agreement covering the industrial cleaning industry (Larsen et al., 2019). Freelance Hilfrs' hourly pay is typically DKK 130 (EUR 17) and they receive the 'welfare supplement' of DKK 20 (EUR 3) per hour. Both Freelance and Super Hilfrs can set their hourly pay higher on their individual profile on the platform. All workers are covered by an insurance scheme that Hilfr holds via the private insurance company Tryg. Tryg offers insurance solutions to a number of Danish-owned labour platforms, which include coverage for liability and accidents. The Hilfr agreement is designed as a staircase model, where the levels of pay, pension and the like are expected to be renegotiated upwards in the future. The agreement also states that social benefits – such as further training, paid maternity leave and rules for shop stewards – are to be discussed in future renegotiations. The agreement can therefore be seen as a framework, or starting point, for further negotiations to improve working conditions and pay.

**Table 5.1 Freelance vs. Super Hilfrs – a comparison of wage and working conditions**

Freelance Hilfr	Super Hilfr
Freelancer	Employed by Hilfr ApS
Sets her/his own hourly rate, and receives a 'welfare supplement' of DKK 20 (EUR 3)	The minimum wage is DKK 141.21/hour but the employee can charge customers more Entitled to pension, holiday pay and sickness pay
Covered by insurance from Tryg	Covered by insurance from Tryg
Obligated to file a tax report	Hilfr.dk reports the income directly to the tax authorities
Customers need the personal identification number (CPR) of the Hilfr(s) to benefit from the Danish servicefradrag (a tax deduction scheme)	Customers can use the Hilfr ApS VAT number for the Danish servicefradrag (a tax deduction scheme)

**Source:** Updated version of table from <https://hilfr.dk/>

There are also a number of novel elements included in the Hilfr agreement, which were hitherto unheard of in the Danish collective bargaining system (Munkholm & Schjøler, 2018). First, as mentioned, the agreement stipulates that it is optional for the individual worker to become a Super Hilfr, i.e. to become an employee and be covered by the agreement. Second, Super Hilfrs can set their own hourly wage



(above a certain minimum), which is rather unusual for employees covered by collective agreements. Third, the notice period for both worker and platform is 2 weeks within the first 6 months of employment as a Super Hilfr. This is shorter than in most other agreements, which typically operate with a trial period of three months. Such a phase is perhaps less-needed since Super Hilfrs are tested as Freelance Hilfrs first. Fourth, disagreements on interpretations and breach of agreement can only be solved by arbitration. This stands in sharp contrast to most other collective agreements in Denmark, where disputes can be brought before the labour court. Finally, the agreement includes sections on digital data (e.g. profiles and ratings) to secure both the workers' and company's rights. For instance, deleting a profile on the platform is considered as a dismissal that should only happen after a notice period (of 2 weeks/2 months) given by the platform. Workers are also granted the right to request removal of violating language and pictures from their profile and ratings.

The Hilfr agreement attracted considerable attention among media and politicians when it was signed in 2018, for several reasons. Negotiations took place simultaneously with a tripartite commission, the Disruption Council (2017–2019), the focus of which included digital platforms. The commission was comprised of all ministers, major unions and employers' organizations in Denmark as well as a number of company representatives. Moreover, the agreement was launched at a high-level conference in April 2018, with an opening talk by former Danish Prime Minister Lars Løkke Rasmussen, and with the participation of presidents from both 3F and Danish Industry (DI).<sup>22</sup> The Confederation of Danish Trade Unions (FH) translated the agreement into English so it could be read by an international audience,<sup>23</sup> as such, the signed agreement has been referenced by researchers outside Denmark (see Vandeale, 2018; Prassl, 2018a).

### 5.2.3 Effects of the Hilfr agreement

The option to acquire employee status that followed the agreement, i.e. to become a Super Hilfr, seemed to be successful in practice, with a rapid take-up. By early 2019, more than a third of the cleaning jobs on Hilfr were provided by Super Hilfrs, although this share seems to have slightly stagnated throughout 2019.<sup>24</sup> Today, many of the Super Hilfrs also set their hourly price higher than the minimum threshold of DKK 141 (EUR 19) (see Super Hilfr profiles on <https://hilfr.dk/>), which indicates a positive knock-on effect on wages. Furthermore, the Super Hilfrs interviewed seem highly satisfied with their work, especially the flexibility of working when and where it suits them:

"I think like this. I don't have an appointment every morning I need to go to at eight o'clock. I post when I want to work and how much I want to work, so it gives me a bit of freedom. This is very good, and I also find the wage okay [...] It's freedom and money at the same time, and it's very fast because I remember when I did the registration, the next day I had a job." (Super Hilfr A)

The Super Hilfrs also appear to appreciate the security associated with being covered by a collective agreement. This has to do both with an experience of safety

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22. [https://www.3f.dk/fagforening/fag/rengoeringsassistent-\(privatansat\)/overenskomsten-hilfr](https://www.3f.dk/fagforening/fag/rengoeringsassistent-(privatansat)/overenskomsten-hilfr)

23. <https://fagbladet3f.dk/artikel/rengoeringsplatform-indgaar-aftale-med-3f>

24. <https://www.dr.dk/nyheder/penge/kun-hver-syvende-rengoeringsmedarbejder-er-paa-banebrydende-overenskomst>

and an easier administration of tax-related issues:

"I think it's a smart move for them to have made the agreement, because it puts both the cleaner and the customers in a safer situation by knowing that, if something happens, you should be able to get help. I think it makes you more comfortable choosing Hilfr. Furthermore, I do not have to count my hours myself and self-report taxes every month as I had to before. That's probably the most significant difference in being a freelancer and a non-freelancer." (Super Hilfr B)

In addition, the customers seem to appreciate that Hilfr offers "orderly" conditions and an easier interaction with the tax authorities:

"Many of the customers say that they appreciate hiring a Super Hilfr because they like to know that things are under control. They are tired of people being underpaid. Also, they would like to have the tax-deduction that they are entitled to if they hire cleaners via the platform." (Super Hilfr B)

Working as a Super Hilfr also appears to be an activity that is often combined with other cleaning jobs (e.g. industrial cleaning or cleaning in private households via other platforms, like Happy Helper) and/or study activities – and for a certain period of time. Previous experiences with cleaning jobs seem to matter when choosing to work for Hilfr.

Most workers registered with Hilfr are young people, according to the company. Many are young migrants looking for a job with low entry requirements or students looking for a flexible way to supplement their student allowance without interfering with their scheduled study activities. Some are both migrants and students, who need both these forms of flexibility – for them, Hilfr represents an easy and fast way to begin working, with very flexible scheduling of hours:

"It's very good for foreign people who study in Denmark, I think. They work a little bit and also learn. You just do a registration on the site, and the next day you have a job, you have a little money. It's a lot of help for somebody who does not know the country." (Super Hilfr A)

As of January 2020, the total number of Super Hilfrs was 36, whereas the platform facilitates 180 Freelance Hilfrs. These numbers include workers who have a profile and have been active within the last three months. As of early 2019, the Super Hilfrs perform more than one-third of the cleaning jobs undertaken via the platform. According to the company, the agreement has increased the visibility of the platform and contributed to the branding of the platform as a socially responsible player in the Danish platform economy, adopting the Danish working life model. However, growth is still a challenge – perhaps due to Hilfr's competitive disadvantage compared to other platforms that only operate with cheaper freelancers and pay no "welfare supplement":

"Hilfr has positioned itself in the market as socially responsible compared to other platforms. However, it is a challenge to increase the number of Super Hilfrs, perhaps due to the lower prices on other platforms." (Hilfr CEO)

## 5.2.4 Evaluation and renegotiations of the agreement

During the summer of 2019, the bargaining parties evaluated the agreement.<sup>25</sup> This included a focus group among Super Hilfrs about their job experiences. Following this, Hilfr and 3F initiated the planned renegotiations of the pilot agreement. These negotiations are still ongoing at the time of this writing, and the parties have prolonged the existing agreement until a new agreement is signed. As stated in the pilot agreement, the renegotiations include the participation of The Confederation of Danish Industries (DI), which Hilfr joined as an associated member after the first round of negotiations took place in early 2018. Furthermore, the involved parties are also testing the foundation for developing an industry-level agreement with inspiration from the pilot agreement.

An obstacle to the spread of collective bargaining in the platform economy is associated with the difficulties unions face in organizing platform workers. This is reported by both the union and the platform. No figures are available as to the union density among platform cleaners or platform workers in general, but neither of the two interviewed Hilfr workers were union members, nor had they considered joining a union. First, they perceive their job as temporary, and second, they view the membership fee to be too high compared to what they earn – in Denmark, union fees are based on monthly flat rates, irrespective of union members' earnings (Larsen, 2019). Even the owners of Hilfr raised the issue of the low union density among platform workers, including in their own company. The fact that 3F finds it difficult to organize platform workers raises the question of representativeness, as well as whether the content of the agreement actually represents the needs and wishes of the workers:

"It is problematic if only the company has to tell what the workers want. We do not have the full picture of what the workers actually would like to have. Are they interested in these old products we negotiate with the unions? Part of this problem also relates to the fact that many of the workers are foreigners who do not know about collective agreements and the Danish model, because they grew up somewhere else." (Hilfr CEO)

## 5.2.5 Summary

In this section, we have examined the process behind, and the content of, the company agreement signed by the digital labour platform Hilfr and the union 3F in 2018. With the Hilfr agreement, both Hilfr and 3F wanted to contribute to the development of more orderly conditions for platform cleaners, and in the platform economy more generally. They succeeded in creating an agreement with wage levels comparable to other parts of the labour market, and included a number of the other elements typically found in industry-level agreements, e.g. pension and sick pay. However, the overall level of working conditions in the agreement is somewhat lower than in comparable industry-level agreements in private services. Furthermore, the agreement includes a number of novel elements that make it stand out from the kind of collective agreements normally reached in the Danish collective bargaining system. Most strikingly, it does not bind the company and the workforce as a whole to follow the collectively agreed conditions, but makes that "optional" for the individual workers.

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25. The evaluation was internal and has not been read by the authors.

Several contextual factors played an important role in enabling this a new type of company agreement. First, Hilfr is a Danish-owned platform, and even before the agreement, the founders acknowledged the relevance of social contributions by introducing a "welfare supplement" to top off pay for all freelancers. It was a clear business strategy designed to differentiate themselves as socially responsible within the market for cleaning platforms. Second, there was no competing industry-level agreement in the market for cleaning in private households; this made it much easier for 3F to engage in negotiation around such an innovative form of agreement, and to justify a staircase agreement starting from a lower level within the organization and towards their members. Third, the political process within the Disruption Council might have served as a push factor that prompted the bargaining parties to come to an agreement. Since the Hilfr agreement was signed, the platform Voocali has also signed a company-level agreement, and other negotiation processes are currently underway: for instance, with the platform Just Eat. This may indicate the establishment of more agreements in the future.

The agreement includes some salient novel elements, the most important of which is that workers are allowed to choose between contract conditions that provide them status as employed and conditions that define them as self-employed – i.e. to work as a Freelance Hilfr or as a Super Hilfr. However, the aim of the trade union is to move as many workers as possible into employee status and under coverage by the collective agreement. This would improve their wages and working conditions, in practice, and contribute to a longer retention of workers and more hours for the single worker. The interviewed Super Hilfrs and those participating in the evaluation focus group appear very satisfied with the conditions. The other new element, which entails that disagreements can only be resolved by arbitration, is also in sharp contrast to most other collective agreements in Denmark.

In practice, however, it has proven more difficult than anticipated to increase the number of Super Hilfrs, and institute a full-time schedule. Many Super Hilfrs combine their work through Hilfr with other jobs, freelance work on other platforms and/or study activities. Moreover, the lack of tax and VAT payments among freelance workers using other platforms – possibly also among casual Freelance Hilfrs – creates unfavourable, if not unfair, competitive conditions for Super Hilfrs. Another challenge is the lack of union organizing and shop stewards among the platform cleaners, which leaves the union with little information concerning the needs and wishes of the workers. A focus group of Super Hilfrs at 3F was conducted to cover this gap, when the pilot scheme was evaluated after the first year. In the spring of 2020, the parties began renegotiating the agreement, and a new agreement is expected to be finalized once the large industry-level agreements in the Danish private sector have been signed.

### **5.3 Food(ora) delivery workers in Norway – privileged gig workers?**

In September 2019, food delivery workers for the Norwegian subsidiary of the German company Foodora and the United Federation of Trade Unions signed a collective agreement after a five-week strike. The collective agreement includes minimum wage rates, reimbursement for equipment, extra pay in wintertime and a

collectively agreed early retirement pension.<sup>26</sup> Unlike Deliveroo and Wolt couriers (and Foodora couriers in other countries), who are paid per delivery and engaged as self-employed, Foodora couriers in Norway are hired on marginal part-time contracts (10 hours per week). As employees, they have the right to negotiate collectively and to strike. However, as marginal part-timers in the private service industry, they are considered a difficult group to organize. The mobilization process that resulted in a new – but more or less traditional – collective agreement was therefore considered a great victory for the workers and the trade unions.<sup>27</sup> In this section, we ask: Who are the Foodora couriers, what are their working conditions, and how did they succeed with a collective agreement despite the odds?

The case study builds on individual and group interviews with 17 Foodora couriers in Norway and three representatives from the involved trade unions. The interviews were conducted between the autumn of 2018 and 2019, mostly before the collective agreement was signed. Interviewees were recruited through the trade union representatives, street intercepts and snowball sampling method. In addition, we followed the strike closely, through the monitoring of media and the Facebook page used by the strikers – #Rosastreiken (“pinkstrike”, in English) – and through strike-related events.

In the following, we first describe Foodora’s business model and employer strategies. We then explore the characteristics of the couriers and their motivations for working for Foodora and for engaging in collective action. Thereafter, we explore their working conditions and pay, and finally their road to a collective agreement.

### **5.3.1 Foodora: Business concept and employer strategy**

In recent years, online food delivery companies such as Foodora, Deliveroo, Uber Eats and Wolt have become visible on the streets of the biggest cities in the United States and Europe, including the Nordic countries. Through their apps, consumers can easily buy food from a variety of restaurants and have it delivered at home by a courier on a bicycle or motorbike. Couriers are typically paid per delivery and are considered self-employed by the platform companies. The German company Foodora is one of the major online food delivery actors in the Nordic market and currently operates in Finland, Norway and Sweden, as well as in Austria and Canada.<sup>28</sup> Foodora has operated in Norway since 2015, and it is the biggest company in the Norwegian online food delivery market, with around 1,000 employees (Proff.no).

Although Norwegian-based Foodora couriers have a higher degree of employment protection through their marginal part-time contracts, being a Foodora courier in Norway still differs from the standard employment relationship. In addition to their atypical contracts, the Foodora couriers provide their own work equipment, such as the bike, mobile phone and data. They do not have a fixed workplace, and the technology used and data gathered by the mobile application are important aspects of the work.

The company earns money both through customers and restaurants. Delivery costs

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26. “Tariffavtale for distribusjon og budtjenester i FOODORA 2019–2020”: The collective agreement is a company agreement that covers Foodora’s food delivery workers in all cities.

27. The Transport Workers Union (TWU) merged with the United Federation of Trade Unions in the spring of 2019.

28. Foodora is a German company established in 2014. Since 2015, Foodora has been owned by Delivery Hero, a publicly listed online food delivery company with operations in more than 40 countries.

range from NOK 49 (EUR 5) and upwards, depending on demand, which is typically highest during lunchtime, in the evenings and on weekends. According to Iden et al. (2019), Foodora takes a 30% share of the sales from each menu item ordered from the restaurants, but this varies from restaurant to restaurant. Although the company is expanding to new cities in Norway,<sup>29</sup> Foodora is still running a deficit. According to then CEO (in Norway and Finland) Carl Tengberg: 'This is part of the expansion plan, where we invest in the Norwegian market. It costs to grow, but we see great potential and will continue to invest at the same pace' (Nikolaisen, 2017, own translation). Several platform companies use this strategy of growing to win markets and then earning money as a second aim, often referred to as a "winner takes all" logic (de Groen et al., 2017; Valenduc & Vendramin, 2016).

### 5.3.2 Foodora couriers' profile and motivations

Workers' experience of platform work depends on their socio-economic situation, life stage and circumstances (Goods et al., 2019). In our study, we have identified three "ideal types" of Foodora couriers – the student, the labour market outsider and the migrant worker. These groups have different resources and interests, and the perception of flexibility, platform work and collective action varies between the groups. The groups are partly overlapping, but are here presented as ideal types. We refer to the couriers as "he" to underline that most of them are male.

First, *the student* has clear career goals, and delivers food through Foodora only while studying to earn extra money. He might invest in trade union work because of low pay and poor working conditions, but this is not a priority of the student since the student perceives the job as a temporary occupation. Second, *the labour market outsider* might have previously had only a few jobs, through work agencies and the like. He wants a full-time job elsewhere or to work additional hours for Foodora, and might engage in trade union work to improve pay and working conditions. Third, the *migrant* does not speak Norwegian and has difficulties finding a steady and decent job. He is therefore happy to have his job with Foodora, and generally does not want to engage in trade union work as it might harm his chances of earning income. The migrant could also be considered a labour market outsider, but their views on organizing differ significantly.

As illustrated, the couriers' motivations for working for Foodora vary, from earning a living, to loving to ride bicycles, to having a side-job to fund studies. The most precarious group seems to be the migrants, many of whom do not want to engage in collective action for fear of losing their job. There were some migrants active in the strike in the autumn of 2019, but the main group of couriers active in the trade union from the beginning were Norwegians or other Western Europeans.

### 5.3.3 Working conditions and pay

*Working time.* The couriers are part-time employees with 10 hours per week guaranteed in their contracts, and their shifts last from 2.5 to 8 hours. Many couriers regularly work more than 10 hours per week, and have asked this to be reflected in

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29. The couriers currently work in the following areas of Norway: Oslo, Bergen, Trondheim, Stavanger, Sandnes, Kristiansand, Tromsø, Drammen, Asker, Bærum, Lillestrøm, Haugesund and Fredrikstad (foodora.no). The company expanded to Sandnes and Tromsø during the strike. The capital, Oslo, is the biggest market for food delivery.

their contractual rights. Section 14-3-1 of the Working Environment Act<sup>30</sup> states that part-time workers with extra hours, working more hours than those stated in their contracts over a longer period of time, can demand those hours in the contract. Several couriers have succeeded in claiming these extra hours in their contract. Some even work full-time for Foodora. This was achieved with the help of the representatives of the Transport Workers Union (TWU) who, over time, put pressure on the company to follow the law.<sup>31</sup>

One of the selling points of the platform economy is that it provides flexibility to workers, and many of the workers interviewed appreciate the flexibility of deciding which shifts to take during the week. Two weeks in advance, the couriers can state the times when they will be unavailable for work, and they are then given shifts depending on the demand and the hours in their contract. However, in the interviews, it became apparent that this flexibility is constrained by the company's need to have people working during unsocial hours, such as evenings and weekends. This is when customers order the most food, the couriers get more orders per hour and each order is better paid. Hence, the payment system is set up in such a way that working unsocial hours is the most lucrative, both for the company and the couriers.

**Pay:** The couriers have an hourly pay rate with extra payment per delivery. Until the collective agreement was signed in 2019, they were paid NOK 120 (EUR 12) per hour and they had an additional amount per delivery, NOK 15 (EUR 1.5) on weekdays, NOK 20 (EUR 2) on Saturdays and NOK 25 (EUR 2.5) on Sundays. Therefore, with an average of 2.7 deliveries per hour, the hourly pay would be NOK 190 (EUR 19) on a Sunday and NOK 160 (EUR 16) on weekdays. The hourly pay and rate per delivery did not increase from Foodora's launch in 2015 until the collective agreement was signed, increasing both rates slightly. However, part of the couriers' income covers payments for the equipment necessary to do the job, as well as for mobile data on their phone subscription. This courier explains how the cost of equipment needed to do the job reduces the wage.

"Compensation for the use of one's own equipment is quite central, because as it is now [before the collective agreement was signed], they [the company] in a way transfer the costs of running a business over to the employees. [...] We use our own bikes, our own phones, our own clothes, all of our own equipment, and we fix the bikes ourselves. [...] So, if you had a realistic calculation of the costs of doing the job, which the individual employee pays, it would reduce the real wage quite sharply." (Courier Norway, own translation)

The collective agreement included a per delivery equipment allowance of 2.5 NOK, which improves the wage of the couriers to a certain extent.

**Health and safety:** Food delivery workers are exposed to traffic hazards and bad weather, and these issues were raised in many of the interviews. The weather conditions were often mentioned in relation to the lack of a fixed workplace. One interviewee explains how the couriers often hang out in shopping malls in between deliveries when the weather gets cold. Furthermore, statistics on accidents are difficult to access, but media reports on food delivery in other countries illustrate

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30. Implemented from 1 January 2019.

31. <https://frifagbevegelse.no/transportarbeideren/utalmodige-sysselbud-i-foodora-krever-at-arbeidsgiver-dekker-mobil-og-syssel-6.158.580389.1839307f2b>

that severe accidents do happen.<sup>32</sup> As an employer, Foodora is responsible for the health and safety of their employees. The quote below illustrates the traffic hazards to which Foodora workers are exposed, and the dissatisfaction with management follow-up.

"This autumn I was hit twice in less than a month. The first time I ruined my wheel. I was very fortunate both times because people stopped and paid for things, but from Foodora it was only, 'Remember that you have to ask the driver to fill out a claim notice'. You're not thinking of that when you get hit. [...] Foodora also says that you are going to get follow-up and that the management will call you, and ask how things are going. It didn't happen, it was zero. [...] There is no support." (Courier Norway, own translation)

This interviewee had two accidents with a car in one month, and describes what he feels was unsatisfactory follow-up from the management. While the interviewees explain that, in most cases, the company does follow up with the courier in the aftermath of an accident, as seen from the above quote, this does not always happen. The risk of accidents to which the couriers are exposed is exacerbated by their distance from management, and the fact that their work is quite isolated.

### 5.3.4 The road to a collective agreement

Although the couriers in Norway have the right to organize and strike, Foodora couriers have previously proven a difficult group to organize. In this, they share similar characteristics with other workers in the private service sector. Many of the couriers are young and/or migrants who are not necessarily familiar with unions (Vandaele et al., 2019). The couriers have a looser attachment to the labour market as they work part-time, the extent to which they depend on this work for a living varies, and there is a high turnover in the food delivery market (Veen et al., 2019). In addition, the Foodora couriers are difficult to organize for reasons specific to the platform economy. During their shifts, the couriers primarily relate to the company through the app, where they receive their deliveries, which means that, as mentioned above, the couriers are quite isolated from each other and from the company (Tassinari & Maccarrone, 2020). Without a fixed workplace, the 'street is their factory" (Notes from below, 2018). This means, for the couriers, that they do not have a place to discuss work-related issues, and, for the unions, that this group is difficult to mobilize.

Despite these obstacles, a number of the Foodora couriers have organized, and after a five-week strike they managed to obtain a collective agreement in September 2019. The agreement negotiated between Foodora and the United Federation of Trade Unions entitles the couriers to a minimum wage (approximately EUR 12–14), an increase for tenure and wintertime work and a per delivery equipment allowance. In addition, the agreement includes an early retirement pension scheme (AFP) negotiated between the Confederation of Norwegian Enterprise (NHO) and the Norwegian Confederation of Trade Unions (LO). As Foodora is not affiliated with an employers' organization, the agreement is a company agreement, which implies that all Foodora couriers in Norway are covered by the agreement. The agreement was set to be renegotiated in March 2020, opening up an opportunity to further improve

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32. <https://www.theguardian.com/business/2018/may/01/accidents-stress-and-uncertainty-food-delivery-riders-lift-lid-on-work-conditions>



the couriers' working conditions and pay.

### 5.3.5 How did the couriers succeed?

First, the employer strategy of the company in Norway – hiring Foodora couriers on employee contracts – is a prerequisite for the workers' ability to achieve a collective agreement. A possible reason for this strategy is that, as the company is exposed to significant pressure from trade unions, the labour inspectorate, and other actors and regulations in the Norwegian labour market, it is likely easier for the company to simply hire people on employee contracts instead of moving into a regulatory grey zone (Jesnes, 2019). Another possible reason is the company's search for a business strategy that will be well-received in the Norwegian setting, as indicated by the company's press release issued just after the collective agreement was signed:

"Since the beginning, Foodora has been conscious that we must go ahead and show that one can be a clear and fair employer in the new economy, with permanent employees and orderly working conditions. We are proud of that, and we are proud that we have managed to negotiate the very first customized agreement for our industry."<sup>33</sup>

Second, a combination of key individuals among the couriers engaged in organizing and strong support from the trade union was vital. The couriers first organized in the Transport Workers Union, which reached out to other couriers by ordering food through the app. This union has been active and willing to mobilize and support the workers. This is not always the case, however: Even in Norway, where union density is relatively high and unions play an active role in regulating the labour market (Andersen et al., 2014), trade unions are not known for successfully organizing workers with a looser attachment to the labour market – if they are even willing to do so (Heery & Abbott, 2000; Steen et al., 2017). Yet, in recent years, some of the trade unions have shown a more active strategy towards insecure workers. This is exemplified by LO's launch of LO-self-employed in 2018, its strategy to recruit and support solo self-employed.

Having organized approximately 100 of Oslo's 600 couriers, the Transport Workers Union (TWU) demanded a collective agreement with Foodora in February 2019. However, the parties were unable to agree. The company did not accept the request for a collective agreement, with the argument that it would cost too much and that the company would go bankrupt with such an agreement. The company did claim that it supported the Nordic labour market model and would be positive to a collective agreement, but not the agreement proposed by the United Federation of Trade Unions (into which the TWU had been amalgamated) (Tengberg, 2019). The union therefore sent out a strike notice in the spring of 2019. On 20 August, 102 of the organized Foodora couriers in Oslo went on strike. During the five-week strike, the trade union more than doubled its number of members among the couriers, hence extending the strike weekly.<sup>34</sup> Prior to and during the strike, the couriers showed great enthusiasm and commitment to the struggle. In this case, therefore, the union was clearly fortunate to have resourceful individuals in the local club that

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33. <https://www.foodora.no/en/contents/foodora-inng%C3%A5r-moderne-tariffavtale?r=1>

34. A strike notice was sent two weeks before the employees' strike. Strike notices by Fellesforbundet give the following numbers: 86 couriers on 28 June, 16 couriers on 28 June, 40 couriers on 6 September, 53 couriers on 20 September, 25 couriers on 2 October (in Trondheim), and 31 couriers on 2 October. The strike ended on 27 September, and the strike notices after that date were therefore not taken into account.

took an active role in mobilizing others and in striking activities, and the couriers were fortunate to find a union that supported them politically and economically.

Third, although this is a group considered difficult to organize, Foodora couriers turned specific obstacles to their advantage during the strike. Unlike other platform workers who sit behind their computers, Foodora couriers meet each other in the streets. The couriers used the streets as an arena for their mobilization process, in addition to the use of virtual communication tools like Slack and active social media campaigning on Facebook and Twitter (#Rosastreiken). This allowed the couriers to be highly visible in the streets of Oslo during the strike, compared to other groups that conduct strike activities outside of their fixed workplace. The strike also coincided with the local elections, and politicians were eager to get media publicity by showing support for the strikers. The couriers had a base at Youngstorget, a crowded square in the middle of Oslo, which is right outside the headquarters of LO. From their base, the couriers – wearing pink t-shirts and flags from the union with the slogan "collective agreement now!" – served soup and waffles, offered to fix people's bicycles and raised support for their cause. In addition, they organized a "critical mass" bike ride through the city every day, a tactic known from the environmental movement. Thus, the strike activities run by the couriers all had positive connotations, which was important in winning public support. Creativity and visibility on the streets of Oslo were key ingredients in this strike and in winning public support, and was probably what tilted Foodora in the direction of accepting the agreement.

It is too early to evaluate the effects of this agreement, but renegotiations were scheduled to begin in March 2020. The agreement offers a framework for negotiating, which is a starting point for further improving working conditions and pay. However, it should be noted that, during the strike, the company began recruiting Foodora couriers on freelancer contracts through a third party – Easy Freelance – which only deals with Foodora couriers.<sup>35</sup> When the trade union disputed the legality of this vis-à-vis the company (through individual cases), the company agreed that, in the disputed cases, the couriers were in fact employees. Soon after the strike was over, a new bike-courier platform, Wolt (which only hires freelancers) emerged on the streets of Oslo, a reminder that the gains won by the Foodora bikers cannot be taken for granted. The newest strategy by the Foodora company is to increasingly use couriers with cars instead of bike couriers, and the contracts of these workers are unknown. Hence, it remains to be seen how the company strategy develops in Norway – i.e. if it continues to be "the responsible food delivery company" or if it decides otherwise – and how this will affect the workers.

### 5.3.6 Summary

Apparently, Foodora couriers in Norway have substantially better working conditions than what is reported by online food delivery workers in other countries where regular employment contracts are largely unknown. Yet, interviews with the Foodora couriers in Norway and their struggle for a collective agreement also suggest that there are significant issues with their working conditions and pay. For instance, their marginal part-time contracts provide limited income, and any additional hours are insecure. In some ways, they are relatively privileged platform workers, but still with

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35. <https://dagens.klassekampen.no/2019-09-17/leier-inn-frilans-sykelbud>

atypical and sometimes precarious working conditions.

Further, this case shows that it is also possible for platform workers to fight for and obtain better working conditions and pay. Foodora couriers in Norway are the first platform workers to negotiate a collective agreement after strike action – a bottom-up approach. But it remains to be seen whether this precedent can encourage other trade unions and platform workers to engage with each other more actively to secure better working conditions. Will Foodora Norway be an exception to the rule or will unions and workers be able to mobilize in the platform economy more generally to combat precarious work?

Finally, the effects of the collective agreement remain to be seen, but it is a framework for further improving working conditions and pay. However, we already see new companies, such as the Finnish competitor Wolt in Oslo, which leans on self-employed rather than employees, taking up the competition with Foodora. The collective agreement between Foodora and the United Federation of Trade Unions might set a precedent for later agreements in the platform economy, but Foodora will – if it is to succeed – most likely face a difficult struggle to maintain customers' support as "the responsible company" within the online food delivery market.

## 5.4 Final remarks

In this chapter, we have explored how two collective agreements emerging from the Nordic platform economy came about, and the contents of these agreements: the Hilfr agreement in Denmark and the Foodora agreement in Norway. The two agreements differ notably in the involvement of the platform workers in the process of achieving a collective agreement. While the Foodora couriers in Norway were actively engaged in the process of mobilization and negotiation of the collective agreement, the Hilfr agreement in Denmark was negotiated through the initiative of the platform and without much involvement from the platform workers. It was negotiated between Hilfr and the trade union (3F), which organized very few (if any) of the cleaners. In contrast to Foodora, Hilfr is a member of an employers' organization and has pushed for the company agreement as well as a future sector-level agreement. The organization of the employer therefore seems to be strongest in the Hilfr case. The Foodora agreement is well-anchored among the workers, and this might have consequences for how well the agreement is implemented, and for the next round of negotiations. The Hilfr agreement, on the other hand, might suffer from its weak anchoring among the workers, although the evaluation of the agreement involved a large number of Super Hilfrs. The trade union is aiming to increase the number of workers on the platform with employee status and coverage by the agreement, but this has proven to be a slower process than anticipated. Both approaches, however, might give inspiration to other trade unions and platform workers, in the Nordic countries and elsewhere.

Both company agreements are "new" in the sense that they are not based on pre-existing collective agreements. Yet, while the Foodora agreement is more traditional and broadly binding in its design, the Hilfr agreement introduces a novel or innovative element, in that workers can choose between contract conditions making

them regular employees or self-employed. The aim of this is to move as many workers as possible into employee status and under coverage by collective agreement. The success of this remains to be seen. However, both the Foodora and Hilfr agreements may serve as examples and provide useful insight for future attempts to develop collective agreements in the platform economy. Their further evolution therefore deserves continued attention.

One important consideration from the two case studies is that the employer strategy of both companies, Hilfr and Foodora – one a national and one an international company – illustrate that some platform companies might be inclined to adopt the basic ideas of the Nordic working life models and begin negotiating collective agreements. While this might turn out to be a clever business strategy, these companies also risk losing ground to other platform companies leaning on less costly, solo self-employed or being reluctant to negotiate with trade unions, particularly if they have no members in the company. At the time of this writing, the Danish Chamber of Commerce (Dansk Erhverv) is negotiating a new agreement with 3F on behalf of the platform Just Eat, which facilitates food delivery. Still, a looming question is whether and how the conditions for developing industry-level collective bargaining in the platform economy can be instituted, with the additional question of how to muster a critical mass of organized platform employers and workers. Until these conditions are met, the organized actors and governments alike can be commended also to look at alternative forms of collective regulation of minimum pay and conditions in the platform economy. This may include the experience with extension of collectively agreed minimum terms in the user companies in Nordic countries such as Finland, Norway and Iceland, and the experience with the central confederations' joint regulation of the agency sector in Sweden.

# Chapter 6. Social partner responses in the Nordic platform economy

By: Anna Ilsøe (Faos), Kristin Jesnes (Fafo) and Marianne Hotvedt (University of Oslo).

## 6.1 Introduction

The emergence of the Nordic platform economy, especially in the late 2010s, sparked a lot of debate in media and among politicians and social partners. What would the consequences be for the Nordic labour markets – and for the Nordic welfare and labour market models? In this chapter, we describe significant examples of responses by social partners in Sweden, Norway, Denmark and Finland to the emergence of labour platforms and discuss their potentials and limitations compared to the challenges under debate.

## 6.2 The Nordic labour market models and social partners – responses in three different arenas<sup>36</sup>

The Nordic labour market models are in general viewed as voluntaristic. That is, wages and working conditions are primarily regulated through collective agreements negotiated between unions and employers' organization, where both union density and collective agreement coverage are comparatively high (Andersen et al., 2014). According to the OECD, union density in 2018 ranged from 52% in Norway and 65% in Finland to 66% in Sweden and 68% in Denmark, while collective agreement coverage was 67% in Norway, 84% in Denmark, 89% in Finland and 90% in Sweden (OECD, 2019a, b).<sup>37</sup> Unlike many other European countries, statutory regulation plays a relatively limited role in Nordic labour market regulation, although cross-national variations exist. None of the countries have statutory minimum wages. In contrast to Finland, Norway and Iceland, Sweden and Denmark have no arrangements for the extension of terms in collective agreements (Dølvik, 2016). In addition, tripartite consultations between the state, employers' organizations and unions are important elements of the Nordic labour market models (Andersen et al., 2014). Hence, the social partners hold a strong position in the labour market and play an important role in various regulatory arenas.

Literature on corporatism distinguishes between three different political arenas, where the social partners can seek influence: the unilateral arena, the tripartite arena and the bipartite arena (Mailand, 2008; Ilsøe, 2017). Below, we use these three arenas as a tool with which to analyse responses from trade unions and employers' organizations to the platform economy in the Nordics.

*The unilateral arena* is characterized by government regulation. In many ways, this is

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36. The analysis in this section draws on Ilsøe (2017).

37. Iceland is not included in the analyses of this report.

the arena with the weakest influence from unions and employers' organizations. The state governs through legislation and policy. Unions and employers' organizations can influence policy and legislative processes at the state level (or at the EU level) through informal dialogue and lobby activities (Mailand, 2008). Furthermore, unions and employers' organizations can take solo initiatives, and can offer services for their members that address the challenges experienced with the existing regulation.

The influence of unions and employers' organizations is potentially larger in the *tripartite arena* (Mailand, 2008). In this arena, unions and employers' organizations collaborate with the state. Here, the three actors negotiate tripartite agreements or coordinate/cooperate on policymaking and revisions of legislation in existing or new formal fora. Sometimes this arena includes other actors and organizations with similar or different interests or competence in relation to the topic under discussion.

Unions and employers' organizations have the highest level of influence on labour market regulations in the *bipartite arena* (Mailand, 2008). Here, unions and employers' organizations engage in self-regulation via collective bargaining and implementation, enforcement and self-administration of concluded agreements. In the bipartite arena, influence depends very much on the bargaining power of the involved unions and employers' organizations at the sector and confederate levels. High coverage and efficient implementation of agreements are important factors, when governments evaluate and accept self-regulation via collective agreements.

Compared to other parts of the otherwise densely regulated Nordic labour markets, digital platforms often operate beyond the existing framework of statutory regulation and collective agreements. The notion of digital platform workers being solo self-employed and thus not considered employees often leaves them with limited (or no) coverage from collective agreements and statutory regulation (Hotvedt, 2018). However, and especially during the second half of the 2010s, we have witnessed a series of initiatives in the Nordic countries in all three arenas with regards to digital platforms (Söderqvist & Bernhardt, 2019; Ilsøe, 2017; Ilsøe & Larsen 2020; Jesnes, 2019). Below, we describe and discuss significant examples of responses from the Nordic social partners in all three arenas – tripartite, bipartite and unilateral.

### **6.3 Tripartite responses – emergence of government-initiated commissions**

Typical early tripartite responses to new challenges include informal cooperation, organization of conferences, and funding of research. We have witnessed such processes across many of the Nordic countries on the topic of digital platforms. The extent of more formal and demanding forms of tripartite responses has differed across the countries. Sweden was the first mover among the Nordics with government-initiated tripartite commissions focusing on various aspects of digitalization and work. The Swedish government has initiated at least eight commissions related to the topic, for instance the Digitalization Commission (2013), Taxi Commission (2015) and Workplace Safety in the New Economy (2015) (see table 6.1). Similar commissions were formed slightly later in Norway, Denmark and Finland. Norway began with a Sharing Economy Commission (2016) and later a Commission on the Future of Work (2019), which is still in progress. In Denmark, The

Disruption Council, which focused on the future of work, was launched in 2017, and was followed by the Council on Sharing Economy (2019). In Finland, the Ministry of Economic Affairs and Employment (MEE) appointed a high-level working group, Work in the Age of Artificial Intelligence (2017), headed by Nokia's former Managing Director Pekka Ala-Pietilä. The working group included a subgroup, Transformation of the Society and Work, which had a tripartite composition. Later, MEE appointed another group, Alternative Solutions Regarding Sharing Economy-Related Issues (2018), which included the social partners in the writing of the report.

**Table 6.1 Tripartite government-initiated commissions on digitalization and work across the Nordics**

Sweden	Digitalization Commission (2013) <sup>A</sup> Taxi Commission (2015) <sup>B</sup> Workplace Safety in the New Economy (2015) + five more commissions since 2015
Norway	Sharing Economy Committee (2016) <sup>C</sup> Committee on the Future of Work (2019) <sup>D</sup>
Denmark	The Disruption Council (2017) <sup>E</sup> The Council on Sharing Economy (2019) <sup>F</sup>
Finland	Work in the Age of Artificial Intelligence (2017) <sup>G</sup> Alternative Solutions Regarding Sharing Economy-Related Issues (2018) <sup>H</sup>

**Source:** Updated version of table from *Ilse (2017)*, with input from all the Nordic researchers.

**Table note:**

<sup>A</sup> [https://www.regeringen.se/4af25c/contentassets/f7d07b214e2c459eb5757cea206e6701/sou-2016\\_89\\_webb.pdf](https://www.regeringen.se/4af25c/contentassets/f7d07b214e2c459eb5757cea206e6701/sou-2016_89_webb.pdf)

<sup>B</sup> [https://www.regeringen.se/4ae146/contentassets/ec5ef41ea6a242e8bc74da300fc72edc/sou-2016\\_86-webb.pdf](https://www.regeringen.se/4ae146/contentassets/ec5ef41ea6a242e8bc74da300fc72edc/sou-2016_86-webb.pdf)

<sup>C</sup> <https://www.regjeringen.no/en/whatsnew/Ministries/fin/press-releases/2017/delingsokonomien-gir-muligheter-og-utfordringer/nou-20174-delingsokonomien--muligheter-og-utfordringer/factsheet/id2537776/>

<sup>D</sup> <https://www.regjeringen.no/no/dep/asd/om-arbeids--og-sosialdepartementet/nemnder-styrer-rad-og-utvalg/midlertidige-nemnder-rad-og-utvalg/fremtidens-arbeidsliv/id2666296/>

<sup>E</sup> <https://www.regeringen.dk/partnerskab/>

<sup>F</sup> <https://em.dk/nyhedsarkiv/2019/januar/nyt-raad-skal-styrke-udviklingen-af-deleoekonomi-i-danmark/>

<sup>G</sup> [http://julkaisut.valtioneuvosto.fi/bitstream/handle/10024/160980/TEMjul\\_21\\_2018\\_Work\\_in\\_the\\_age.pdf](http://julkaisut.valtioneuvosto.fi/bitstream/handle/10024/160980/TEMjul_21_2018_Work_in_the_age.pdf)

<sup>H</sup> [http://julkaisut.valtioneuvosto.fi/bitstream/handle/10024/161541/31\\_19\\_Jakamistalous.pdf](http://julkaisut.valtioneuvosto.fi/bitstream/handle/10024/161541/31_19_Jakamistalous.pdf)

In Denmark, the digitalization of the labour market has also been on the agenda in two tripartite negotiations that resulted in agreements. Negotiations were led by the former liberal government and included the main organizations the Danish Trade Union Confederation (FH) and the Confederations of Danish Employers (DA). In 2017, a tripartite agreement on further training was reached, with a special focus on automation and job change in blue-collar work.<sup>38</sup> This agreement included funding for further training activities. In 2017, another tripartite agreement on unemployment benefits was signed. The aim was to make it easier to combine wage-earner jobs and independent work (including platform work), when reporting income to the unemployment benefit funds and earning entitlement to future support.<sup>39</sup>

#### 6.4 Bipartite responses – collective bargaining, European case law and examples of agreements<sup>40</sup>

As mentioned earlier, collective bargaining – at both the industry and workplace level – plays a significant role in regulating wage and working conditions in the Nordic labour markets (Kjellberg, 2019; Ilsøe, 2012). Platform workers do not necessarily have a workplace to relate to, and are often only in touch with the platform company through an app or software systems. This obviously limits the opportunities for bargaining at the workplace level (Alsos et al., 2017).

While at least 70% of workers in the Nordic countries are covered by collective agreements, there are important sector and industry variations (Andersen et al., 2014). Industries such as cleaning, hotel, restaurant and transport experience relatively low levels of organization and collective bargaining. Thus far, platform companies have emerged in these and similar sectors with low union density or in sectors with high shares of self-employed or freelancers (Alsos et al., 2017; Ilsøe & Larsen, 2020). In the most exposed industries, growth in platform work might therefore challenge the norm of a standard employee on an open-ended fulltime contract, which is the foundation for most collective bargaining in the Nordic industries (Munkholm & Schjøler 2018; Jesnes 2019).

Self-employed and freelancers do not have the same access to collective bargaining as employees, due to both national systems for collective bargaining and EU/EEA competition law.<sup>41</sup> *EU/EEA competition law* prohibits agreements and the like

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38. <https://ufm.dk/uddannelse/videregaende-uddannelse/efter-og-videreuddannelse/veu-trepartsaftale>

39. <https://bm.dk/arbejdsomraader/politiske-aftaler-reformer/politiske-aftaler/2017/et-nyt-dagpengesystem-for-fremtidens-arbejdsmarked/>

40. This section presents an updated version of Jesnes et al. (2019).

41. A freelancer receives remuneration for individual assignments without being employed, as non-employed wage earners. Self-employed workers, on the other hand, run a business, sole proprietorship or private limited company (AS), at their own risk (Nergaard, 2018).



between "undertakings" with the purpose or effect of preventing, restricting or distorting competition.<sup>42</sup> Certain restrictions regarding competition are inherent in collective agreements, as they "fix" the price of labour. However, in the Albany case, the European Court of Justice (CJEU) found that "agreements concluded in the context of collective negotiations between management and labour" fall outside the scope of competition law "by virtue of their nature and purpose", due to the social policy objectives pursued in such agreements.<sup>43</sup> Consequently, EU/EEA competition law recognizes an exemption for collective agreements, and collective bargaining on behalf of employees is accepted.

Collective bargaining for freelancers or solo self-employed, on the other hand, can be problematic: Persons working as solo self-employed are formally separate undertakings, and this could be the case for freelancers, as well, depending on their legal status. Therefore, the Albany exemption does not necessarily apply. Collective agreements on the conditions of work for freelancers or self-employed may be considered illegal price-fixing.

New interpretations in case law, however, show that the distinction between employees and self-employed is based neither on formal status nor national legal classification. In the FNV Kunsten case from 2014,<sup>44</sup> the CJEU developed its reasoning and expanded the Albany exemption. The case concerned a collective agreement with minimum rates of pay for self-employed musicians substituting for employed orchestra musicians. The Court held that collective bargaining for certain self-employed workers – the "false self-employed" – was also exempt from competition law. The "false self-employed" are formally self-employed, but in "a situation comparable to that of an employee". It is the situation during the specific contract relationship that is to be compared, not the total activity on the market. Hence, a person may be operating as a freelancer or self-employed, but still be a "false self-employed" when performing work under a specific contract. In other words, EU/EEA law accepts collective bargaining for certain groups of freelancers and self-employed. In a Nordic legal context, where the concept of employee is interpreted broadly and rests on an assessment of the realities, it is an issue of debate whether "false self-employed" covers an even wider category than in EU/EEA law. If so, EU/EEA law allows for further expansion of collective bargaining mechanisms on a national level (Hotvedt, 2020). In the Nordic creative industries, we actually find examples of collective agreements covering solo self-employed – for instance, among freelance journalists in Denmark (Larsen et al., 2018).

There is also an interesting development in the interpretations of the right to collective bargaining in human rights instruments. In late 2018, the European Committee of Social Rights (ECSR) considered a case, the Irish Congress of Trade Unions (ICTU) v. Ireland, concerning the right to collective bargaining in the European Social Charter art. 6 nr. 2.<sup>45</sup> More precisely, the case concerned a complaint to the ECSR regarding the Competition (Amendment) Act passed into law in Ireland in 2017, which sought to delimit the application of the competition law so that certain freelancers/self-employed could negotiate collectively. The Committee held that, when determining the scope of this right, it is not sufficient to rely on the distinction between workers and self-employed. Rather, the decisive criterion,

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42. Treaty of the Functioning of the European Union (TFEU) art. 101 (1).

43. Case C-67/96 Albany, ECLI:EU:C:1999:430.

44. Case C-413/13 FNV Kunsten Informatie en Media, ECLI:EU:C:2014:2411.

45. ECSR decision 12 December 2018, Complaint No. 123/2016.

according to the Committee, is whether there is an imbalance of power between the parties. If the self-employed have "no substantial influence" on their contractual conditions, such as pay, they "must be given the possibility of improving the power imbalance through collective bargaining".

It has also been argued in a Nordic context that platform workers with minimal influence on their contractual conditions can, in reality, be regarded as employees – due to the broad (and flexible) concept of employee (Hotvedt, 2018). The Committee's reasoning in *ICTU v. Ireland* provides a similar and compelling argument from a human rights perspective, specifically related to collective bargaining (Hotvedt, 2020). Along similar lines of reasoning, the Norwegian Sharing Economy Committee suggested in 2017 that 'service providers in the sharing economy who do not set selling prices directly, and have to comply with prices set by the platform that is used, should have the opportunity to negotiate collective agreements with platform operators, even if they cannot be deemed to be employees' (NOU 2017:4). However, in the hearing round, all the main employers' organizations opposed the proposal, and there has been no follow-up from the government.

The right to collective action for freelancers and solo self-employed without substantial influence on their working terms and conditions is, as demonstrated, currently an issue of discussion in academic, legal and political communities around Europe. As shown, there is case law suggesting that platform workers might negotiate collectively, which might have a substantial effect on the pay levels and working conditions of these workers.

However, as described in Chapter 5, a few significant examples of company-level collective bargaining have recently emerged in the Nordic digital platform economy (Ilsøe & Larsen, 2020; Jesnes, 2019; Söderqvist & Bernhardt, 2019). Collective bargaining in the Nordic platform economy is of a nascent and varied nature (see table 6.2). First, in some platform companies that hire workers on marginal part-time employment contracts, workers can be covered by existing collective agreements without this being in conflict with EEA competition law (see, for example, the case of Bzzt in Sweden). Second, in some platform companies that register as temporary employment agencies, workers are covered by collective regulations on temporary agency work (such as at Instajobs or Gigstr in Sweden), or collective agreements at the customer company (such as at Chabber in Denmark) (Ilsøe & Madsen, 2018; Söderqvist & Bernhardt, 2019). The company agreement negotiated between Hilfr and 3F in Denmark stands out, as it allows platform workers to decide for themselves whether to be self-employed or employees covered by the terms of the agreement<sup>46</sup> (see Chapter 5). This can be regarded as a novelty in Nordic collective bargaining, as individual workers traditionally cannot choose between these two tracks. Finally, the Danish platform for translation services, Voocali, has negotiated an agreement for interpretation freelancers with the union HK.<sup>47</sup> The agreement includes a price floor and future negotiations on pension contributions.

Another interesting development in a Nordic context is the collective agreement signed in 2019 between the German food delivery company Foodora and the

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46. The agreement in English can be downloaded here: [https://www.3f.dk/fagforening/fag/rengoeringsassistent-\(privatansat\)/overenskomsten-hilfr](https://www.3f.dk/fagforening/fag/rengoeringsassistent-(privatansat)/overenskomsten-hilfr).

47. [https://www.hk.dk/-/media/images/om-hk/sectorer/privat/hkprivat/pdf/2018/aftale\\_hkprivat\\_voocali.pdf?la=da&hash=AB8DE80C8F62F1D3C50552E58C59A25E336B6F78](https://www.hk.dk/-/media/images/om-hk/sectorer/privat/hkprivat/pdf/2018/aftale_hkprivat_voocali.pdf?la=da&hash=AB8DE80C8F62F1D3C50552E58C59A25E336B6F78)

Norwegian couriers, organized first in the LO-affiliated Norwegian Transport Workers' Union and then in the United Federation of Trade Unions<sup>48</sup> (see Chapter 5). Although it is a novel accord, it is a more traditional company-level collective agreement than the Hilfr agreement, including a wage increase, reimbursement for equipment, extra pay in wintertime and a collectively agreed early retirement pension. Thus far, this is the only example of collective bargaining in the Norwegian platform economy, and it is particularly interesting, as it covers a foreign-owned company with no collective agreements in the other countries in which it operates. The other aforementioned agreements in the platform economy exclusively involve companies originating in the Nordic countries.

**Table 6.2 Collective bargaining in the Nordic platform economy**

Parties to the agreement	Status and content
Danish Hilfr (cleaning) and 3F Private Service, Hotel and Restaurant signed an agreement in April 2018	<ul style="list-style-type: none"> <li>- The agreement is currently being renegotiated</li> <li>- Workers can decide for themselves whether to be employees or freelancers</li> <li>- Employees receive a minimum wage, pension, holiday and sick pay</li> <li>- Freelancers and employees are covered by insurance</li> <li>- Disagreements can only be solved by arbitration</li> </ul>
Danish Chabber (waiters, chefs and kitchen assistants)	<ul style="list-style-type: none"> <li>- Chabber converted to a temporary employment agency in 2017 and hence the workers are covered by the Act on Temporary Agency Work</li> <li>- Workers are hired on zero-hour contracts and are paid in accordance with the collective agreement at the customer company (if covered by the agreement)</li> </ul>
Danish Voocali (translation services) and HK	<ul style="list-style-type: none"> <li>- The agreement covers pay and employment terms for freelancers</li> <li>- The agreement includes minimum hourly remuneration, guaranteed payment and data portability<sup>A</sup></li> </ul>
Swedish Bztt (personal transport by moped), and the Swedish Transport Workers' Union	<ul style="list-style-type: none"> <li>- Workers are hired on marginal part-time contracts and covered by the central Taxi Agreement, which gives the workers access to the same standards as traditional taxi drivers</li> <li>- The collective agreement includes a wage increase</li> <li>- The employee is entitled to monthly or weekly wages</li> <li>- Employees receive a minimum wage, pension, holiday pay and sick pay</li> <li>- Disagreements should be solved by arbitration</li> </ul>
Swedish Instajobs (platform for students, different categories for highly skilled) and Unionen	<ul style="list-style-type: none"> <li>- Workers are covered by the central collective agreement for temporary agency workers</li> </ul>

48. The two unions merged in the spring of 2019.

	<ul style="list-style-type: none"> <li>- Employees are entitled to monthly wages or wages based on performance</li> <li>- Employees receive a pension, holiday pay and sick pay</li> <li>- Regulated compensation is provided for overtime, compensation for temporary leave from work and for commute time</li> <li>- Disagreements should be solved by arbitration</li> </ul>
Swedish Gigstr (low-skilled gigs) and Unionen	<ul style="list-style-type: none"> <li>- Workers are covered by the central collective agreement for temporary agency workers</li> <li>- Employees are entitled to monthly wages or wages based on performance</li> <li>- Employees receive a pension, holiday pay and sick pay</li> <li>- Regulated compensation is provided for overtime, compensation for temporary leave from work and for the commute time</li> <li>- Disagreements should be solved by arbitration</li> </ul>
Foodora Norway (food delivery) and the United Federation of Trade Unions	<ul style="list-style-type: none"> <li>- The duration is from 2019 to March 2020</li> <li>- The collective agreement includes a wage increase, reimbursement for equipment, extra pay in wintertime and a collectively agreed early retirement pension</li> </ul>

**Source: Updated version of table from Jesnes, Ilsøe & Hotvedt (2019).**

**Table note:**

<sup>A</sup> <https://www.hk.dk/-/media/dokumenter/raad-og-stoette-v2/freelancer/statementvoocalihkprivat.pdf?la=da&hash=EBEA42432D8A60AD209C2E5AB3820109>

## 6.5 Unilateral responses – examples of government-led or union-led responses

The introduction of Uber in the Nordic countries has led several Nordic governments to revise their legislation on taxis and personal transportation. These processes have predominately been unilateral, where national governments have revised existing legislation. In Denmark, for instance, a new taxi law was issued in 2017 after a longer period of governmental debates and court cases against Uber (Ilsøe & Madsen, 2018). In Finland, legislation was revised in 2018, and we find similar processes (although with variations in content, set-up and outcome) in Norway and Sweden, as well (see Chapter 3).

Another type of unilateral response worth mentioning is the individual union-led initiatives to handle the problems workers experience in the platform economy. For instance, the Danish union HK developed an insurance scheme for platform workers who are union members (Ilsøe, 2017; Ilsøe & Larsen, 2020). Furthermore, a number of Danish unions have developed occupational pension schemes for independent workers and solo self-employed who are union members, which also cover platform workers. Similar schemes have been developed by several Swedish trade unions –

amongst these, Unionen, which is currently the largest trade union in Sweden. Unionen is part of the FairCrowdWork Initiative, an initiative by several European trade unions to bring together governments, workers, unions and platform companies to ensure platform workers have decent working conditions and co-determination. FairCrowdWork also reviews the working conditions on different platforms and posts them on the initiative's website.<sup>49</sup> In Norway, LO launched LO Independent for freelance and self-employed workers in the autumn of 2019. Through a specific membership offer for self-employed, the initiative aims to recruit more self-employed to the Confederation as a whole. While some of the LO-affiliated trade unions have previously unionized self-employed, this strategy marks a new direction for the Confederation. The membership offer for self-employed includes targeted insurance and access to specialized legal advice (Røtnes et al., 2019). Furthermore, the three trade union confederations in Finland – the Confederation of Unions for Professional and Managerial Staff in Finland (Akava), the Confederation of Salaried Employees (STTK) and the Central Organization of Finnish Trade Unions (SAK) – are collaborating on securing better rights for self-employed through the initiative Itset.<sup>50</sup> This initiative aims at revising Finnish competition law in order for self-employed to be able to negotiate terms and pay collectively (Røtnes et al., 2019).

## 6.6 Discussion and conclusions

The emergence of the Nordic platform economy has sparked extensive debate in media and among politicians and social partners, especially in the latter half of the 2010s. What will be the consequences for the Nordic labour markets – and for Nordic welfare and labour market models? Given the fact that the Nordic models to a large extent rest on self-regulation by comparatively strong labour market organizations, we have focused our analysis on social partner responses to the platform economy in Sweden, Norway, Denmark and Finland.

Our analysis indicates that responses are of a varied nature and utilize several of the traditional policy arenas in the Nordic models of labour market regulation. We find tripartite responses in all four countries addressing some of the challenges experienced in the platform economy, like access to unemployment benefits and health and safety issues. Also, we find a few examples of collective bargaining in labour platform companies in Denmark, Sweden and Norway, lifting wage and working conditions either via new agreements (like Hilfr and Foodora) or by utilizing existing sector-level agreements (like Chabber and Instajobs). Given the voluntarist tradition of the Nordic labour market models, such bipartite initiatives are especially noteworthy. If the platform economy is to be incorporated into the Nordic models, new categories of companies and workers are to be organized and covered by agreements. However, it remains to be seen whether the early examples presented here are vanguards in the path-dependent development towards broader collective regulation of Nordic platform work or represent exceptional, deviant cases.

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49. <http://faircrowd.work/>

50. <http://heikkijokinen.info/trade-union-news-from-finland/1423-self-employed-workers-need-more-bargaining-power>

Apart from the process leading to the agreement at Foodora, in Norway, unions are still finding it difficult to organize and mobilize platform workers as union members – even where they have reached agreements, as 3F experienced in the Hilfr case. In fact, it seems that platform companies are more inclined to organize than platform workers. In Norway, for example, Uber, the cleaning app Weclean, and other platform companies have joined NHO Abelia (affiliated with the Confederation of Norwegian Business and Industry (NHO)), which organizes knowledge- and technology-based enterprises. However, Foodora, after considering joining an employers' organization during the five-week strike in autumn 2019, decided to remain independent and negotiate a freestanding company agreement. In Denmark, several cleaning platforms, including Hilfr, have joined the Confederation of Danish Industries (DI), and Just Eat has joined the Danish Chamber of Commerce (DE).

The legal and organizational barriers to "bottom-up" organizing and local collective bargaining, such as the low union density and the limited access to collective bargaining for self-employed workers, suggest that government support is important for achieving proper, encompassing regulation of work in platform companies (Dølvik & Jesnes, 2017). For example, state support "from above" through arrangements for the extension of collectively agreed minimum wages and terms in branches using labour platforms – as in the Finnish and Norwegian cleaning sectors – would cover many platform workers, serve as a pay floor, and reduce the problem of unfair competition between workers and firms. Political regulatory threats can also prompt pre-emptive regulation by the central collective actors, as illustrated in Sweden in 2001, when LO and Bemanningsföretagen signed a collective agreement in the temporary work agency sector (Ahlberg & Bruun, 2008; Alsos & Evans, 2018).<sup>51</sup> The threat of political regulation – "the shadow of the state" (Visser & Hemerijck, 1997) – does indeed pose dilemmas for the social partners. On the one hand, government-initiated re-regulation, e.g. the Uber-oriented Danish changes in taxi regulations, can help rein in unfair competition and restrict dumping by platform companies. On the other hand, if the organized actors let the state take the driver's seat and the locus of regulation of platform work is moved into the unilateral, legislative arena, the scope for organization and voluntarist regulation may shrink. Similarly, the solo initiatives created by unions to ensure freelance members' and platform employees' access to attractive insurance and pension schemes might weaken their incentives to engage in collective bargaining. However, such measures might be essential for attracting members among the platform workforce, which is indeed a prerequisite if collective bargaining is to gain broader momentum.

Such dilemmas are not new to the Nordic collective actors. In fact, Nordic trade unions were pioneers in organizing collective insurance, sick pay and unemployment benefits for workers (recall the old Nordic A-kasse systems), which strengthened workers' negotiating position in the labour market and made them more prone to engage in collective action to obtain collective rights and agreements. Similarly, following the legislative path or the bargaining path has historically proven to be not mutually exclusive but instead complementary, where the actors' specific choices at particular cross-roads have varied between sectors and countries, and across time. Combining initiatives on all three arenas, bipartite, tripartite and unilateral, might therefore prove to be the most realistic strategy for developing encompassing,

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51. The fear then was that the Social Democratic government would launch regulation restricting the agency sector. The prospect of a European framework agreement on agency work certainly also urged the central partners to react (Ahlberg & Bruun, 2008).

collective forms of regulation – including in new areas such as the digital platform economy.

# Chapter 7. Conclusion

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In this report, we have seen that platform work in the Nordic countries is still a marginal phenomenon. The platform-based business models for mediation of work have been established in particular industries providing favourable conditions for such arrangements. We have studied cases of platform work in the cleaning (Hilfr), personal transportation (Uber), translation, and food delivery (Foodora) sectors. Generally, these are sectors in which entry barriers,<sup>52</sup> unionization rates, profitability and remuneration levels are low and self-employment and commission payment common – i.e. sectors where the institutional arrangements of the Nordic models are relatively weak. At the same time, these are sectors in which the markets, skills and means of service delivery differ significantly, as do the types of regulations to which they are subject. This highlights the importance of sector-specific features, practices and policies for understanding the emergence and proliferation of, and the obstacles to, the spread of platform work.

The regulatory responses to the emergence of platforms mediating work are still at an early stage, and the Nordic governments have primarily exhibited a “wait and see” approach – the deregulation of the taxi markets being a notable exception (see Chapter 3). As we saw in Chapter 2, the rise of the platform economy in the Nordic countries has created a number of challenges for the Nordic models, most saliently when it comes to securing a level playing field vis-à-vis traditional businesses, taxation, social security and proper labour rights for platform workers. A major issue of concern regarding platform workers’ rights has centred on their legal employment status, the potential for fictitious self-employment, insecure working conditions, and obstacles to organization, interest representation and self-regulation through collective bargaining. Others have highlighted the platform economy as a phenomenon inciting innovation, job growth and new forms of work and job-matching that creates new opportunities for marginal groups struggling to gain a foothold in the Nordic labour markets.

The emergence of platform work in the Nordic economies has given rise to two narratives providing guidelines for understanding and responding to the platform economy and its potential development. The first narrative depicts this development as a matter of “taming”, and the other refers to the “erosion” of regulated work and business. The “taming” narrative highlights the way in which the platform economy can be incorporated into, and reshaped by, the Nordic labour market institutions. The collective agreements of Foodora in Norway and Hilfr in Denmark illustrate this narrative. The other narrative, the “erosion” narrative, focuses instead on the risk that the platform companies will distort competition and circumvent or disrupt the fundamental norms and institutional arrangements of the Nordic models. The platform companies have had a tendency to challenge or breach both national and

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52. Importantly, translation stands out as a sector that requires workers to have substantial formal qualifications, often including a master’s degree (see Chapter 4).



industry-specific regulations and to hire labour as self-employed “freelancers” rather than employees. Uber, having provoked the deregulation of taxi markets in all the Nordic countries, illustrates this narrative. Another illustration is the fact that at the same time as the Norwegian Foodora couriers were striking for obtaining a collective agreement, the Finnish food delivery platform Wolt – which treats its couriers as self-employed, i.e. without the right to strike – was already established in Norway, and tried to expand its business there, particularly in Oslo. A third scenario is that traditional businesses will increasingly adopt or integrate the platform model, primarily its technology but sometimes also its forms of employment and way of matching tasks and skills beyond company boundaries; this will blur the distinction between ordinary business models and the platform economy (Alsos et al., 2017).<sup>53</sup>

In the following, we summarize the main take-home lessons from this report, and end with a brief discussion of possible avenues for the integration of platform work into the Nordic model.

- **Triangular arrangements and algorithmic management of platform work blur employer responsibility and transfer risk onto the workers.** The platform economy refers to business models using digital platforms as an intermediary between providers and customers. Labour platforms coordinate the markets by matching workers with assignments and customers, and govern the labour process and the terms and conditions of work through a system of “algorithmic management”. The platform model forms a triangular relationship between the platform and the workers and the customers. In principle, both the customer and the platform can be considered employers, depending on concrete assessments of the specific cases (Alsos et al., 2017: 68). Such third-party mediation of labour is not a new phenomenon in the Nordic labour markets, as illustrated by the widespread use of temporary work agencies and consultants. What *is* new is the reluctance of many platforms to assume any employer responsibility for the workers, and to rely on algorithms in governing work, including determining prices, work schedules and remuneration.
- **The Nordic platform economy is still a marginal phenomenon.** Surveys from 2017 indicate that between 0.3 and 2.5% of the Nordic working-age population have worked via digital platforms over the last year. The majority of these people worked very little via the platforms, primarily using them to earn extra income alongside their studies or other jobs (see Chapter 1). There are no indications that platform work is growing exponentially in the Nordic countries, although a certain rise among high-skilled professionals is being observed (see Chapter 4), as is an increase in food delivery platforms and workers. As platform work is difficult to capture with traditional labour market statistics – because the perceptions of platform work vary and the dispersed platform workers are hard to reach through surveys – there is a need for new methods to cover these forms of work.<sup>54</sup>

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53. Exploring this scenario is beyond the scope of this report, but it remains an important potential development of the Nordic platform economy that should be studied further.

54. The capital or asset platform Airbnb is now obliged to facilitate automatic information to tax authorities about providers' economic turnover in both Denmark and Norway, and data generated by similar methods for other platform companies could form the basis for new and useful data about developments at the fringes of the Nordic labour markets.

- **The platform model can be attractive for companies, but labour supply constraints may limit their growth potential.** The emergence and growth of the platform economy is usually attributed to new digital technologies and software that makes it possible to organize job markets and labour processes with increased flexibility. For companies, the platform model offers an opportunity to argue that they are a technology company rather than, for example, a cleaning company or a transportation company, enabling them to bypass the taxation and industry-specific regulations non-technology companies must abide by; this also makes it easier to transfer economic risk to the workers by classifying them as self-employed. Second, the expansion of many of the main platform companies is backed by large private venture capital investments, enabling them to extend operations without making a profit – which is in fact the case for most platform companies (see Kenney & Zysman, 2018). A third factor facilitating the rise of the platform economy has, in the wake of the Great Recession of 2007/2008, been the labour supply with few other options in the labour market than ‘gigs’ characterized by high insecurity and risk, low pay and long, unpredictable hours. Such labour supply is usually highly cyclical, especially in the Nordic labour markets. As long as most workers are able to obtain proper employment in other segments of the labour market, many platforms are likely to face difficulties in recruiting and retaining labour. Still, even in periods with relatively high labour demand, the Nordic labour markets are hard to access for job seekers with a minority background, weak language skills, low education or health issues. If platform work is attractive primarily to such marginalized groups with little or no negotiating power in the labour market, and the platform companies design their pricing and manning strategies accordingly, there is all the more reason for Nordic governments and social partners to consider strategies to protect such vulnerable groups from becoming subject to inferior or precarious working conditions and exploitation.
- **Platform workers often face unpredictable conditions, long hours and low pay.** The employment conditions of platform workers generally fit poorly with the norms, labour relations and institutions that traditionally characterize work in the Nordic models. While the promise of the platform companies is enhanced flexibility and independence, the reality for many platform workers is often insecure employment, unpredictable hours, low pay, stressful work schedules determined by the algorithms, and a dependence on the opaque incentive and management systems of the apps. For the large majority who are self-employed, virtually all economic risk is shuffled onto the workers themselves, who lack access to basic labour standards, such as the right to voice, participation and collective action – including the freedom to negotiate the terms of the contract. As amply demonstrated under the COVID-19 crisis, freelancers are not covered by most of the income security schemes in the Nordic welfare states, while the triangular relationship between workers, customers and platforms renders the employers’ responsibilities unclear and leaves many platform workers in a situation of structural dependence on and asymmetric power relations with their interlocutors (Dølvik & Jesnes, 2018). Although there is a certain growth of high-skilled workers (for whom self-employment has long been the norm) doing online jobs in the Nordic countries

(Chapter 4), the Nordic platform workforce consists predominantly of marginalized groups or students performing local, tethered "gigs" (see Chapters 3 and 5). Moving from one "gig" to another and being subject to constant competition for new assignments, this fluid, fragmented and dispersed workforce often lacks the resources, prerequisites and counterparts needed to engage in organization and joint interest representation.

- **Nordic policy responses to platform work.** For governments, the emerging platform economy poses challenges in several areas, including industrial and competition policies, taxation and welfare policies, and employment regulation and labour market policies. A central issue is the dilemma between the governments' ambition to foster entrepreneurship, growth and innovation through the platform economy and their desire to prevent unfair competition between platform companies and traditional business models (see Chapter 2). One regulatory alternative for levelling the playing field is to deregulate the product and service markets that platforms seek to penetrate. The deregulation of the Nordic taxi markets is an example of this approach (see Chapter 3). Given the corrosive impact of such measures on the terms of competition and work in many branches, such deregulation will often generate the need for re-regulation of employment conditions and welfare rights, both to mitigate the loss of protection and rising insecurity for the incumbent workforce and to elevate the platform workers' labour standards. Often, complementary reforms in taxation policies will also be required to secure fair competition and maintain public revenues. Thus far, the Nordic governments have introduced a range of measures to tighten loopholes in national taxation systems, but have mostly applied a "wait and see" approach regarding the important international dimension of tax competition and the regulation of platform work. Multiple government-appointed committees have been launched to investigate the "future of work" and how the challenges posed by phenomena such as platform work can be tackled: However, these investigations have not yet materialized in any legislative reforms,<sup>55</sup> with the exception of the incorporation of freelance workers in parts of the Danish unemployment benefit system.<sup>56</sup> Moreover – and in contrast to, for instance, in the United Kingdom and United States – there have yet to be any court cases concerning the employment status or collective rights of platform workers in the Nordic context. Neither have any changes been made in statutory labour law regarding self-employed workers' collective bargaining rights, which have recently been tried in the European Court of Justice (see Chapter 6), nor to protect workers against false self-employment. Other as-yet-untested avenues for regulation, or judicial clarification, of employment conditions in the platform economy involve the application of terms in statutory extensions of collective agreements. Hence, the field has thus far been left to the organized labour market actors. Despite considerable obstacles to organizing and collective action, the Hilfr and Foodora company agreements signed in Denmark and Norway,

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55. However, both the Norwegian and Danish governments have played an indirect role in facilitating the Foodora and Hilfr collective agreement, as well as negotiating the tax information exchange agreements with Airbnb.

56. In Sweden, freelancers and self-employed workers have had access to some unemployment insurance since the late 1990s.

respectively, together with the agency sector agreements applied by some platforms in Sweden (see Chapters 5 and 6), illustrate that some platform companies do seek to adopt the Nordic model with regular employees and collective agreements. This might form part of a branding strategy aimed at boosting the platforms' competitiveness and credibility among consumers and politicians – and it remains to be seen whether this approach, as suggested by the "taming" narrative, will gain momentum and become a broader phenomenon, or if these examples will remain singular exceptions, as suggested by the "erosion" narrative.

## 7.1 Final remarks: Avenues ahead

The studies presented in this report suggest that, even in the Nordic models, there is a case for improved regulation of platform work, strengthening and clarifying the rights and responsibilities of the involved actors. The purposes of such regulation would primarily be to protect companies and workers in traditional businesses against unfair competition, prevent a downward spiral of wages and working conditions, raise standards and reduce insecurity among the platform workforce, and to shield the Nordic labour market institutions against further erosion.

Nevertheless, the question remains: What are the available avenues for regulating platform work? As the platform model establishes a triangular relationship between the workers, the platform and the customers – sharing formal features with temporary work agencies – and affects competitive relations with other businesses and platforms, we face arguably a three-way (if not four-way) regulatory quandary. While recognizing that even the customer can, in some instances, be regarded as the employer, in these final remarks we focus on the possible avenues and tools for regulating the relationship between the platforms and the workers.

As pointed out earlier (see Chapters 2, 4 and 5), multiple actors and regulatory tools are involved in Nordic labour market regulation, including state legislation; self-regulation by the labour market actors through collective bargaining (centrally and locally); the "hybrid" combination of the first two through statutory extension of terms in collective agreements (used in Finland, Iceland and Norway); and, less common, a variety of (negotiated or unilateral) associational rules defining minimum terms and fees for freelancers or self-employed – for instance, in the cultural and craft sectors. In the early days of the Nordic model, cooperatives of small producers or workers were more common, for example, in developing price accords with purchasers or collective risk-sharing through various social insurance arrangements. We still find echoes of such arrangements in the unemployment funds (e.g. A-kassene) and insurance schemes organized by Nordic labour unions, and in what is left of the associational modes of governance in the primary sectors. In principle, the platform technology offers new opportunities for developing self-organized producer cooperatives or cooperative forms of interest representation vis-à-vis business platforms, but the software developed by the platform corporations have thus far

primarily had very different business models in mind.<sup>57</sup>

While the Nordic countries have traditionally regulated the labour market through a combination of legislation and their multi-tiered systems of collective agreements – national, sectoral and company-based – the specific mix of legislation and agreements have varied across the countries. In Denmark, on the one end, voluntarist collective agreements enjoy supremacy and legislative regulation plays a minor role (and is contested), whereas statutory regulation has a much more prominent and accepted role in Finland, Norway and Iceland, where legislative extension of collective agreements is also widely applied. Sweden lies closer to Denmark, but has a body of statutory regulation of employment and labour rights, some of which can be deviated from by way of collective agreement. Thus, when considering ways to regulate platform work and provide social security for platform workers, the contexts must be taken into account: specifically, how national actors are embedded in different legacies and norms when it comes to strategic choices of whether to invoke statutory regulation, voluntarist collective bargaining or means of unilateral risk sharing; and how such tools might be combined in addressing different issues. As such, we are likely to see the emergence of a diversity of policy approaches among the Nordic countries, where the choice of policy tools may also vary across sectors.

Regarding the contested issue of whether and when platform workers are to be treated as employees, self-employed or freelancers, this is clearly a legislative issue in all the countries that must be resolved through judicial trial, and, if needed, amendment of legislation. EU directives, including new rules regarding the rights of workers in various forms of non-standard relationships (EU Directive 2019/1152), will clearly also affect the choices of politicians and the organized actors here. In several other countries (with different labour laws), more proactive legal approaches have been pursued. In California, for example, the home of the platform economy, a new law, effective from 1 January 2020, transfers the burden of proving that workers are self-employed and not employees onto the employer.<sup>58</sup> Workers can only be classified as self-employed if they are “free from control” from the company, perform “work that is outside the usual course of the hiring entity’s business”, and are “customarily engaged in an independently established trade, occupation, or business of the same nature as that involved in the work performed” (California Legislative Information, 2019). In the United Kingdom, platform workers engaged by Uber have gone to Court to have their status clarified, leading the London Tribunal to decide in 2017 that they were to be considered as workers, entitled to statutory minimum pay, sick pay and so on – however, as Uber appealed to the Supreme Court, the case is still pending (see Chapters 2 and 3).

From this perspective, it is worth noting that, to date, there has been no court case trying the legal employment status of platform workers in the Nordic countries. In the Nordic context, the concept of an “employee” entails a certain flexibility, and a platform worker’s legal status depends on the realities of the working relationship – especially the degree of subordination and dependence on the platform, regardless of how the platform has classified the workers, enabling legal adjustment to new

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57. While there has been some debate around and efforts to organize platform cooperatives (i.e. digital platforms owned and operated by the workers) internationally (see Scholz, 2016), we have to date seen no initiatives of this sort in the Nordic countries.

58. The law, known as Assembly Bill 5, was a codification of the California Supreme Court ruling in the Dynamex Operations West, Inc. v. Superior Court case.

forms of work and changing labour relations (Hotvedt & Munkholm, 2019: 14). A key question that remains is therefore whether the status of platform workers can be properly regulated primarily through *enforcement* of current legislation, or whether employment legislation will have to be amended to capture the changing labour relations.

Given that these issues must eventually be clarified – and will likely mean that many of the platform workers will be regarded as employees – a strategic choice facing the social actors is whether they will try to move along the path towards collective bargaining at the company or sectoral level, or instead call on the government to enact statutory regulation of certain minimum pay and working conditions.<sup>59</sup> While these alternatives are not (necessarily) mutually exclusive, the actors' assessment of the former depends on several factors: notably, whether the counterpart is prepared to travel that road and whether their own organization is able to mobilize enough members and clout to act as a credible bargaining partner.

From a trade union or employer perspective, such choices and judgements will have to take into account the fact that there are considerable obstacles to organizing and mobilizing in the platform economy that may impede genuine "bottom-up" development of collective bargaining. First, many of the platform companies are either new or international firms with limited knowledge of and traditions for Nordic industrial relations. Second, even if a sizable share of platform workers are recognized as employees (with rights to collective bargaining), competition from platforms operating (legally) with cheaper and more acquiescent freelance workers may put an effective chill on the interest in entering agreements, especially on the management side. Third, platform workers are primarily recruited among marginalized groups that show generally low organization rates or among professional segments of the labour force where self-employment has been the norm long before the arrival of platforms. This makes platform workers difficult to organize and mobilize in collective action for traditional trade unions.<sup>60</sup> Fourth, the triangular labour relations of the platform economy, where both platforms and customers tend to shy away from employer responsibility, further complicate the picture.

Still, the two Nordic pioneer cases of collective agreements in the platform economy, Foodora in Norway and Hilfr in Denmark,<sup>61</sup> show that such company arrangements are possible, and may have positive knock-on effects in other companies. In view of the low rate of organization on both sides, however, it seems unlikely that successive striking for agreements, company by company, will gain sufficient momentum to develop industry-specific or branch agreements with enough coverage to effectively regulate the terms of competition in the relevant markets. Instead, the emergence of islands of company agreements, gradually spreading to cover parts of the market, seems likely to generate a fragmented or "balkanized" pattern of incorporation of the platform economy into the Nordic model. Faced with fierce competition from

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59. For a more thorough discussion of this dilemma, see Hotvedt & Munkholm (2019) on labour law in the future of work, which is part of Pillar VI of the same "Nordic Future of Work" project as this report.

60. An analysis of Deliveroo couriers in Belgium, however, finds that these platform workers are not less likely to unionize than regular workers and that the reason for their non-membership was, first and foremost, that the unions had not reached out to them (Vandaele, Piasna & Drahokoupil, 2019).

61. These are not the only collective agreements in the Nordic platform economy, but they are especially interesting as they emerged out of negotiations between trade unions and the platforms directly. In Sweden, some platform workers are covered by a pre-existing collective agreement (the transportation platform Bzzt is included in the central Taxi Agreement, while others – e.g. Instajobs and Gigstr – are covered by the collective agreement for temporary agency workers); there are also examples of company-level agreements with smaller platform firms (see Chapter 6).

platforms unbound by such agreements, this is likely to be a long road – and a system of collective bargaining relying solely on the decentralized company level fits poorly with the Nordic model of coordinated, sectoral regulation.

If the organized actors therefore want to move more rapidly, and beyond the company level, they might look for complementary “top-down” strategies. In the temporary agency sector, also marked by triangular relations and low union density, three alternative modes of regulation can be found in the Nordic countries. First, in Sweden, where the central actors in the agency sector were given the authority to grant licences required for agencies to operate, they struck a central collective agreement on the terms and conditions that were made a prerequisite for obtaining a licence. This is an interesting example of combining statutory regulation and collective bargaining, even with very few union members (Alsos & Evans, 2018). In view of the many similarities between agencies and platforms, several of the Swedish platform companies have chosen to adopt the agency work agreement. Along these lines, Swedish unions have also pondered whether the social partners could apply a similar approach in the platform economy – for instance, by creating a joint portal where compliance with agreed-upon standards for platform work could serve as a basis for licensing or recognition of platforms with decent labour standards (Söderqvist, 2017).<sup>62</sup> Second, in Denmark and Norway, the two sides of the industry have agreed that agency workers should be entitled to the same basic conditions anchored in collective agreement as those pertaining to similar jobs in the user company, implying an indirect extension of these agreements to also cover agency workers. Similar mechanisms could clearly be built into the industry-specific agreements of the user companies, covering instances where platforms furnish labour to traditional companies. Finally, the mechanisms for statutory extension of terms in collective agreements found in Finland, Iceland and Norway could further extend the impact of industry-specific collective agreements to cover platform workers undertaking similar and potentially competing work.

The above three alternative “top-down” approaches to the regulation of platform work would, from the outset, only cover platform employees.<sup>63</sup> After the Norwegian Sharing Economy Commission (NOU 2017:4) proposed granting freelancers collective bargaining rights, in line with subsequent CJEU decisions, nothing further has happened in the Nordic countries. The choice to apply such joint “top-down” regulatory strategies – either as a complement to initiatives of “bottom-up” regulation or as an alternative if the latter fails to occur – would presuppose that the central associations on the employer side, due to overarching considerations of the detrimental societal impact of unfettered platform work, are more able and willing than the single platform companies to engage in collective regulation of this emergent area of casual work.<sup>64</sup>

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62. This would, if realized, demonstrate that the social partners can assume a quasi-public function as regulator, enforcer and controller of access to a specific market.

63. In the name of contractual freedom and self-regulation, however, the possibility remains that the parties to the agreements could decide to apply the same basic conditions to self-employed or freelancers – from platforms or otherwise – hired by their member companies.

64. In response to the COVID-19 crisis, a pandemic acutely highlighting the vulnerabilities of platform workers (and self-employed and freelance workers more generally), the Nordic governments have enacted emergency measures to provide these groups with income support schemes and social benefits to which they are not normally entitled, while also issuing financial support to the culture industry. Norwegian self-employed and freelance workers were provided with 80% of their average income over the last three years, while in Finland, the government extended the right to unemployment benefits to self-employed and freelancers without their having to discontinue their enterprise. In Sweden, amendments were made to include self-employed workers in the sick-leave benefit schemes. In Denmark, these groups have access to benefits after being incorporated into the unemployment insurance system in 2018, but the Danish government also extended the income support scheme for self-employed and freelancers to provide them with 75% of the expected income-loss (up to

When joint collective regulations rarely succeed (or are rarely even invoked), the unilateral initiatives of unions and employers' organizations become essential for, on the one hand, meeting the needs and interests of platform workers and, on the other, guiding and supporting the platform companies in adjusting to the basic responsibilities, customs and norms of proper management in Nordic working lives. Not only can organization of cooperation between actors, insurances, benefits, information, legal services, political lobbying<sup>65</sup> and so forth be of utmost importance for the workers and companies involved in platform work, such schemes can be an important step towards bringing more of the platform actors into the folds of organized working life. In the Nordic context, these kinds of arrangements tie back to the cooperative model for insurance that was important in the early days of the Nordic model. Particularly for the platform workers, collective insurance and benefits can be key in providing them with more security and stability, as well as strengthening their negotiating position vis-à-vis the platforms. Furthermore, such initiatives can be important in building the consciousness, pride and solidarity required to gain support for more collective organization, mobilization and bargaining in the platform economy.

Finally, besides the voluntarist path of "bottom-up" regulation, the various tools for joint "top-down" social partner regulation, and the diverse means of associational provision of services and benefits for platform actors, it is not uncommon in the Nordic countries that the politicians (unilaterally or in concert with the social partners) decide to use legislative regulation to secure proper basic employment conditions for all workers: for instance, regarding welfare rights, working time, work environment, special employment contracts, voice and participation rights, and use of temporary or agency workers. If platform workers are considered as regular employees, such rights will apply to them, as well, but the special circumstances of platform work could potentially motivate the development of particular statutory regulation pertaining to aspects of platform work – whether performed as an employee or self-employed. The political assessment of the need for such action will of course depend on the extent to which the organized actors manage or fail to include platforms in their system of self-regulation. Thus, the specific ways in which the social actors and politicians in the Nordic countries decide to regulate platform work (or not) and how they choose to combine the available regulatory tools will vary according to national and sectoral traditions, and the relative strength or weakness of the involved organized actors; moreover, this will, at the end of the day, be influenced by the overriding strategies and ideas of the politicians and governments in charge.

On that note, it is pertinent to remember that, in the Nordic models, the objectives and means in current industrial policies – where innovation and competitiveness are often associated with deregulation or 'disruption' – have, in the labour market and welfare policies, traditionally been viewed as inherently interdependent. Hence, the more the digital platform economy erodes the social foundations of the labour markets in which they operate, the more pressing it will become to develop new and more efficient tools to secure a proper balance between the diverse actors and interests represented in these labour markets. How the Nordic countries attempt to strike that balance will certainly be marked by a diversity of policy approaches, tools

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DKK 23,000 per month).

65. See, for example, the Norwegian LO and NHO's political lobbying leading to the establishment of a generous income support scheme for self-employed and freelancers when their markets fell during the COVID-19 crisis.



and reform strategies; this suggests that the Nordic region, today and in the years to come, will offer unique opportunities for experience exchange and studies of whether and how the platform economy can be reconciled with an organized, inclusive and equitable working life.

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# Sammendrag

Denne TemaNord-rapporten ser nærmere på utviklingen av plattformarbeid i de nordiske landene. Ved å kartlegge sentrale problemstillinger plattformarbeid reiser, reaksjonene fra partene i arbeidslivet og enkelte casestudier, undersøker vi i hvilken grad plattformarbeid er blitt integrert i den nordiske arbeidslivsmodellen eller om denne typen arbeid forblir på utsiden og bidrar til svekkede lønns- og arbeidsforhold i allerede pressede næringer. Plattformøkonomiens forretningsmodell består i å fungere som et mellomledd mellom tjenesteytere og kunder. De som utfører arbeidet, klassifiseres ofte som selvstendig næringsdrivende, og inntektene, vilkårene og betingelsene deres styres av plattformens algoritmer. Selv om plattformarbeid er et marginalt fenomen i de nordiske landene, utgjør disse formene for arbeid en potensiell utfordring for den nordiske arbeidslivsmodellen i de berørte bransjene. Vi er derfor spesielt interessert i hvorvidt plattformarbeiderne oppfatter sitt arbeid som en mulighet eller en nødvendighet, og i hvilken grad og hvordan kollektiv interesserepresentasjon og mobilisering er mulig innenfor plattformøkonomien.

**Kapittel 2** tar for seg de sentrale problemstillingene i den nordiske debatten om plattformarbeid. I og med at plattformsekskapene stort sett bruker selvstendige næringsdrivende arbeidskraft og styrer deres lønns- og arbeidsvilkår ved hjelp av digitale plattform, risikerer plattformarbeiderne å havne i et regulatorisk tomrom der de har betydelig svakere individuelle og kollektive rettigheter og mindre beskyttelse enn fast ansatte. Hvis plattformarbeid blir mer utbredt, kan dette bidra til å øke skillet mellom de som står henholdsvis utenfor og innenfor det tradisjonelle arbeidsmarkedet, dvs. det som noen ganger blir kalt dualisering. Dette kapitlet tar også opp hvordan plattformsekskapene posisjonerer seg som rene teknologiske formidlingsledd, noe som innebærer muligheter for både innovasjon og konkurransevridning mellom plattformsekskapene og etablerte selskaper som overholder bransjespesifikke reguleringer. Videre drøfter kapitlet enkelte problemstillinger knyttet til skattlegging i lys av studier som antyder at plattformsekskaper registrert utenfor Norden ikke nødvendigvis betaler skatter til vertslandet, noe som kan bli en ytterligere utfordring for de skattefinansierte nordiske velferdsstatene.

**Kapittel 3** beskriver først hvordan Uber, som regnes som en typisk representant for plattformøkonomien, etablerte seg i de nordiske landene. Deretter beskrives lønns- og arbeidsvilkårene til Uber-sjåførere i Helsinki og Oslo og hvordan disse oppfatter dette arbeidet. Vi finner at Ubers forretningsmodell møtte en rekke hindringer i alle de nordiske landene der selskapet forsøkte å etablere seg (Danmark, Finland, Norge og Sverige). Disse hindringene var imidlertid ikke knyttet til juridiske eller regulatoriske forhold i arbeidslivet, men derimot til spesifikke nasjonale reguleringer av drosjenæringen, først og fremst begrensninger av antall drosjeløyver og kravet om taksameter. Ubers inntog utløste en deregulering av drosjemarkedet i alle de nordiske landene, noe som vil kunne legge til rette for Uber-lignende forretningsmodeller i næringen. Videre finner vi at Uber-sjåførene i både Helsinki og Oslo setter pris på den fleksibiliteten som ligger i Ubers arbeidsorganisering, men de

er frustrerte over lave inntekter, lange arbeidsdager og den høye provisjonen Uber krever. Til forskjell fra sine norske kolleger har finske Uber-sjåfører tidligere i større grad arbeidet for tradisjonelle drosjeselskaper, opplever Uber som en mulighet til å utvidet sitt marked og utviser en forretningsorientert holdning som ikke er tilstede blant Uber-sjåførene i Oslo.

**Kapittel 4** studerer plattformer som formidler høyt kvalifisert arbeidskraft, og tar for seg eksemplet med oversetternæringen i Finland og Sverige. Selvstendig næringsdrivende tekniske oversettere med universitetsgrader forteller at de blir stadig mer avhengige av oppdrag fra plattformer styrt av multinasjonale oversettelsesselskaper. Kapitlet beskriver hvordan plattformer som legger til rette for nettbasert arbeid for høyt kvalifiserte, selvstendige næringsdrivende grupper som oversettere, skaper de samme utfordringene knyttet til representasjon, innflytelse og autonomi som de som formidler mindre kunnskapsintensive tjenester. I tillegg uttrykker oversetterne bekymringer for fallende priser og risikoen for å bli avhengig av store oversettelsesselskaper som har uhensiktsmessige forventninger til anskaffelse av digitalt tilleggsutstyr, arbeidsinnhold og frister. Samtidig framhever kapitlet også at oversetterne gir uttrykk for yrkesstolthet og gjerne betrakter seg selv som forretningsorienterte og høyt kvalifiserte frilansere.

**Kapittel 5** analyserer to nordiske eksempler på tariffavtaler i plattformøkonomien: Hilfr-avtalen i Danmark og Foodora-avtalen i Norge. Hilfr er en plattform som selger renholdstjenester til private husstander, mens Foodora er en plattform for levering av mat på døren. Plattformarbeiderne var i ulik grad involvert i den prosessen som ledet fram til tariffavtalene. Mens Foodora-budene i Norge deltok aktivt i mobiliseringen og framforhandlingen av tariffavtalen, ble Hilfr-avtalen i Danmark initiert og forhandlet fram av plattformen og fagforeningen (3F) uten at arbeiderne i noen særlig grad var involvert. I motsetning til Foodora er Hilfr nå medlem av en arbeidsgiverforening og har vært en pådriver både for virksomhetsavtalen og for planer om en framtidig bransjeavtale. Organiseringen på arbeidsgiversiden er dermed sterkest i tilfellet Hilfr. Foodora-avtalen er godt forankret blant de ansatte, noe som kan ha følger for hvor godt avtalen blir implementert og reforhandlet. Hilfr-avtalen vil på sin side kunne lide under dårlig forankring blant arbeiderne. Begge disse virksomhetsavtalene er 'nye' i den forstand at de ikke er bygget på tidligere inngåtte tariffavtaler. Mens Foodora-avtalen er mer tradisjonell med et bredt nedslagsfelt, innfører Hilfr-avtalen imidlertid et nyskapende element ved at arbeiderne kan velge mellom kontraktsvilkår enten som fast ansatte eller med betingelser som gir dem status som selvstendig næringsdrivende. Fagforeningens mål med dette var å føre så mange arbeidere som mulig over i et ansettelsesforhold og under bestemmelsen i tariffavtalen. I hvilken utstrekning denne strategien vil lykkes, gjenstår å se. Disse eksemplene viser at enkelte plattformsselskaper vil kunne være tilbøyelige til å innarbeide grunnleggende prinsipper fra de nordiske arbeidslivsmoellene og begynne å forhandle fram tariffavtaler. Selv om dette i sin tur skulle vise seg å være en smart forretningsstrategi, risikerer disse selskapene også å tape terreng til andre plattformsselskaper som bare benytter selvstendige næringsdrivende eller er tilbakeholdne med å forhandle med fagforeninger. Det gjenstår videre å se hvorvidt og hvordan betingelser for utvikling av bransjeavtaler kan utformes og bringes på plass i plattformøkonomien – inkludert hvordan man kan mobilisere en kritisk masse av organiserte arbeidsgivere og arbeidere. Fram til disse

betingelsene er oppfylt, vil både de organiserte aktørene og myndighetene være tjent med å se på alternative former for kollektiv regulering av minstelønn og arbeidsvilkår i plattformøkonomien.

**Kapittel 6** kartlegger hvordan nordiske fagforeninger og arbeidsgiverorganisasjoner har møtt på plattformøkonomien. Ved å skille mellom tre politiske arenaer der partene i arbeidslivet kan søke innflytelse – den unilaterale, bilaterale og trilaterale – viser kapittelet at de nordiske aktørene har respondert på en rekke ulike måter og tatt i bruk flere av de politiske arenaene som er tilgjengelige innenfor de nordiske modellene. I alle de fire landene finnes det eksempler på trepartssamarbeid (trilaterale responser) for å løse enkelte av de utfordringene plattformøkonomien bringer med seg, slik som tilgang på arbeidsledighetstrygd og forhold knyttet til helse, miljø og sikkerhet. Plattformarbeideres juridiske status har imidlertid ennå ikke blitt rettslig avklart, og ingen av de nordiske myndighetene har tatt initiativer til klargjøre selvstendig næringsdrivende arbeideres forhandlingsrett. Vi finner likevel enkelte eksempler på tariffavtaler for arbeidsplattformer i både Danmark, Norge og Sverige, der lønns- og arbeidsvilkårene løftes enten gjennom nye eller eksisterende bransjeavtaler. Gitt den nordiske arbeidsmarkedsmodellens voluntaristiske tradisjon er slike bilaterale avtaler spesielt viktig å merke seg. Generelt sett har imidlertid fagforeningene vansker med å organisere og mobilisere plattformarbeidere, og analysen antyder at plattformsekskapene er mer tilbøyelige til å organisere seg enn det plattformarbeiderne er. De juridiske og organisatoriske hindringene for en organisering 'nedenfra og opp' og lokale tariffavtaler antyder at støtte fra myndighetene er viktig for å få til omfattende reguleringer av plattformarbeid. Trusselen om politisk inngripen kan påskynde de sentrale aktørene til å komme slike reguleringer i forkjøpet, men dette stiller partene også overfor enkelte dilemmaer. Statlig initiert regulering kan bidra til å tøyse konkurransevridninger og sosial dumping, men hvis reguleringen av plattformarbeid flyttes til den unilaterale og lovgivende arenaen, begrenses handlingsrommet for organisering og voluntaristisk regulering. Selv om unilaterale fagforeningsinitiativer som sikrer plattformarbeidere tilgang til forsikrings- og pensjonsordninger kan svekke arbeidernes umiddelbare insentiver til å delta i kollektive handling, kan denne typen tiltak være avgjørende for å tiltrekke seg medlemmer blant plattformarbeidere – noe som er en forutsetning for at kollektive forhandlinger skal få et bredere gjennomslag. Denne typen dilemmaer er riktignok ikke nye. Nordiske fagforeninger var de første til å organisere kollektive forsikringsordninger, sykepenger og arbeidsledighetstrygd for arbeidere, noe som styrket arbeidernes forhandlingsposisjon i arbeidsmarkedet og gjorde dem mer motiverte til å delta i arbeidskamp. Tilsvarende har utviklingen av lovgivningen og forhandlingsløsningene historisk vist seg å være gjensidig utfyllende, der aktørene har truffet ulike valg ved avgjørende korsveier i ulike land og bransjer og over tid. En kombinasjon av tiltak på alle de tre arenaene – unilaterale, bilaterale og trilaterale – kan derfor vise seg å være den mest realistiske strategien for å utvikle omfattende og kollektive former for regulering på nye områder slik som den digitale plattformøkonomien.

**Kapittel 7** avslutter rapporten ved å oppsummere funnene og drøfte potensielle veier videre for regulering av plattformarbeid i de nordiske landene. Gitt ulikhetene i disse landenes tradisjoner for arbeidsmarkedsregulering – spesielt med tanke på regulering gjennom lovgivning og statlig intervensjon, noe som er omstridt blant



partene i Danmark og Sverige – hevder kapittelet at det mest sannsynlig vil bli tatt i bruk flere ulike regulatoriske strategier og policyverktøy for å bringe plattformarbeid inn i de nordiske modellene. Hvis dette skulle vise seg å bli tilfellet, vil utviklingen i den nordiske plattformøkonomien gi mange muligheter for utveksling av erfaringer, ny innsikt virkningene av politikken og komparative studier i årene framover.

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# About this publication

## Platform work in the Nordic models: Issues, cases and responses

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